

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4612

BY DELEGATES STORCH, CRISS, HOUSEHOLDER,
STATLER, RILEY, WESTFALL, WAMSLEY, JENNINGS, D.
KELLY, AND PETHTEL

[Introduced February 10, 2022; referred to the
Committee on Pensions and Retirement then
Finance]

1 A BILL to amend and reenact §8-22A-18 of the Code of West Virginia, 1931, as amended, relating
2 to decreasing the time period of eligibility for nonduty disability from 10 to five or more
3 years of contributory service for the West Virginia Municipal Police Officers and
4 Firefighters Retirement System.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND
FIREFIGHTERS RETIREMENT SYSTEM.**

**§8-22A-18. Awards and benefits for disability — due to other causes; exception during
early period.**

1 (a) Except as provided in §8-22A-9(a) of this code, any municipal police officer or
2 municipal firefighter with ~~10~~ five or more years of contributory service who, after the effective date
3 of this article and during covered employment: (1) Has been or becomes totally disabled from any
4 cause other than those set forth in §8-22A-17 of this code and not due to vicious habits,
5 intemperance or willful misconduct on his or her part; and (2) in the opinion of two physicians after
6 medical examination, at least one of whom shall be named by the board, he or she is by reason
7 of the disability not only unable to perform his or her previous work as a police officer or firefighter
8 but also cannot, considering his or her age, education and work experience, engage in any other
9 kind of substantial gainful employment which exists in the state regardless of whether: (A) The
10 work exists in the immediate area in which the member lives; (B) a specific job vacancy exists; or
11 (C) the member would be hired if he or she applied for work, is entitled to receive and shall be
12 paid from the fund in monthly installments during the lifetime of the member or, if sooner, until the
13 member attains normal retirement age or until the disability sooner terminates, the compensation
14 set forth in, either subsection (b) or (c) of this section.

15 (b) If the member is totally disabled, he or she shall receive 66 and two-thirds percent of
16 his or her average monthly compensation for months in which full compensation was received for
17 the 12-month contributory period preceding the disability.

18 (c) If the member remains totally disabled until attaining 60 years of age, then the member
19 shall receive the retirement benefit provided in §8-22A-14 and §8-22A-15 of this code.

20 (d) The disability benefit payments will begin the first day of the month following
21 termination of employment and receipt of the disability retirement application by the Consolidated
22 Public Retirement Board.

NOTE: The purpose of this bill is to decrease the employment time for municipal police officers and firefighters to be eligible for nonduty disability benefits from 10 years to five years.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.