WEST VIRGINIA CODE: §7-14D-14

§7-14D-14. Awards and benefits for disability - duty related.

- (a) Any member who after the effective date of this article and during covered employment:
- (1) Has been or becomes either totally or partially disabled by injury, illness, or disease; and
- (2) The disability is a result of an occupational risk or hazard inherent in or peculiar to the services required of members; or
- (3) The disability was incurred while performing law-enforcement functions during either scheduled work hours or at any other time; and
- (4) In the opinion of the board based on a medical examination, the member is by reason of the disability unable to perform adequately the duties required of a deputy sheriff, is entitled to receive and shall be paid from the fund in monthly installments the compensation under either subsection (b) or (c) of this section.
- (b) If the member is totally disabled, the member shall receive 90 percent of his or her average full monthly compensation for the 12-month contributory period preceding the member's disability award, or the shorter period if the member has not worked 12 months. Any member retired under this subsection, or under §7-14D-17 of this code, on or before July 1, 2020, shall have his or her monthly benefit payment increased by \$400.
- (c) If the member is partially disabled, the member shall receive 45 percent of his or her average full monthly compensation for the 12-month contributory period preceding the member's disability award, or the shorter period if the member has not worked 12 months.
- (d) If the member remains partially disabled until attaining 60 years of age, the member shall then receive the retirement benefit provided in §7-14D-11 and §7-14D-12 of this code.
- (e) The disability benefit payments will begin the first day of the month following termination of employment and receipt of the disability retirement application by the Consolidated Public Retirement Board.