



# Municipal Pensions Oversight Board

Q&A Session  
Submitted Questions

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- ▶ Does an officer/firefighter receive credit for time in service while on a temporary disability?
  - WV Code §8-22-27(a) In determining the years of service a member in a paid police or fire department for the purposes of ascertaining certain disability pension benefits, all retirement pension benefits and certain death benefits, the following provisions shall be applicable:
    - (1) Absence from the service because of sickness or injury for a period of two years or less shall not be construed as time out of service;...

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- ▶ If an officer/firefighter goes on permanent disability prior to turning 50 and has over 20 years (above 60%); once they turn 50 would they then be converted to a regular pension and receive the full percentage according to years of service?
  - No. Once an officer/firefighter has been granted permanent and total disability from a pension fund, the member continues to receive that disability pension for life and his beneficiaries, if any, will receive that which they are entitled to as specified in §8-22-26 Death Benefits.
  - In 1968, an Attorney General's Opinion stated Once a policeman or fireman has been granted retirement based on a permanent disability, the retirement payment could not be discontinued except pursuant to former §8-6-18, which required that a medical determination be made that the person was no longer disabled, and that he be "restored to his former position in such department." See now §8-22-24

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- ▶ What safeguards are in place to ensure an officer/firefighter on a temporary disability is taking steps to progress instead of just riding out a two year period?
  - There is nothing in the WV Code that gives a pension board authority to put something in place to monitor progress other than the individual must be seen by two physicians every 26 weeks up to 104 weeks. There is nothing in the Code that prohibits such activity either.
  - I've heard some pension boards do try to require their members on temporary disability to stay on their doctor prescribed therapies to try to get back to full health.