



Ohio

Death Benefits Available to the Surviving Families of Law Enforcement Officers Killed in the Line of Duty

To obtain certified copies of registered personal documents, contact the Division of Vital Statistics, 246 North High Street, Columbus, Ohio 43215, and telephone (614) 466-2531 or email vitalstat@odh.ohio.gov

STATE DEATH BENEFITS

There is no one-time death payment.

STATE PENSION BENEFITS

In 1976, the 111th General Assembly of the State of Ohio established the **Firemen and Policemen's Death Benefit Fund** to provide special benefits to the eligible survivors of public safety officers who are killed in the line of duty or who die of injuries or diseases incurred in the performance of official duties. The Death Benefit Fund is funded by the state and administered by the Board of Trustees of the **Police and Firemen's Disability and Pension Fund (PFDPF)**. Benefits are financed through biennial legislative appropriations and gifts.

Survivors of public safety officers who had been employed in qualifying positions covered under the following Ohio Retirement Systems (ORS) may be eligible to receive these special monthly cash benefits:

PFDPF Members - Virtually all full-time municipal police officers are members of the PFDPF.

SHPRS Members - Members of the Ohio State Highway Patrol Retirement System who are sworn law enforcement officers are employed in covered positions.

PERS Members - Members of the Public Employees Retirement System are covered under the Death Benefit Fund.

CRS Members - Members of the Cincinnati Retirement System employed as full-time law enforcement officers of parks, waterway lands, or reservoir lands under the control of the City of Cincinnati are covered (if the employee died on or after April 9, 1981).

Survivors *may be* eligible for benefits if the public safety officer's death is attributable to **any** of the following:

- an injury or disease incurred as a result of the performance of duty;
- heart disease, with fatal attack while in the performance of duty; or
- heart disease while off-duty, if the fatal attack can be attributed to an incident while in the performance of duty.

If the public safety officer had retired from a covered position and had been receiving disability benefits from one of the previously-named Ohio Retirement Systems, then the survivors *might qualify* for benefits if the cause of death is the direct and proximate result of the duty-related disabling condition(s) for which the decedent had been placed on disability retirement.

The following survivors of a covered public safety officer whose death is **ruled to be duty-related** are eligible for benefits:

- Spouse;
- Unmarried children under age 18;
- Unmarried children between the ages of 18 and 22 who are students attending an educational institution under a qualified program of instruction; or
- Dependent parent(s) if, and only if, the decedent:
 - (1) had died on or after January 1, 1980, and
 - (2) was not survived by a spouse or child.

If the deceased public safety officer *had not qualified* for age and service retirement under PFDPF, PERS, SHPRS, or CRS, the eligible survivors, **as a group**, receive the decedent's "base pay" salary authorized by ordinance, statute or contract for the position held by decedent) minus an amount equal to the benefits payable by PFDPF, PERS, SHPRS, or CRS. Whenever there is an increase in the "base pay", the benefits payable to survivors are increased accordingly. Should the normal survivor benefits be increased, then the Death Fund benefits **are reduced** by the amounts the normal survivor benefits is increased.

The law provides for the *division* of the decedent's monthly "base pay" *among the eligible survivors* according to the following rules:

- Surviving spouse with no eligible children: full "base pay";
- Surviving spouse with one eligible child: $\frac{1}{2}$ of "base pay" to spouse and $\frac{1}{2}$ of "base pay" to child;
- Surviving spouse with 2 or more eligible children: $\frac{1}{3}$ of "base pay" to spouse and $\frac{2}{3}$ of "base pay" divided equally among the children;
- One eligible child: full "base pay"
- Two or more eligible children: full "base pay" divided equally among the children.

The initial distribution of the benefit is based on the eligibility of survivors *at the time of the public safety officer's death*.

ALL benefits payable under the Death Fund terminate on the date the decedent would have qualified for age and service retirement. If otherwise eligible, *the survivors will continue to receive the benefits payable under the decedent's pension fund or retirement system.* However, a **converted benefit** may be paid to either the surviving spouse or divided among qualifying survivors. Prior to the date the member would have been eligible to retire, **any of the following** occurrences results in **termination** of an individual's Death Fund benefit:

- Spouse: death;
- Children under age 18: marriage, attainment of age 18, or death (disabled children may be able to continue the benefit beyond age 18);
- Students between the ages of 18 and 22: marriage, attainment of age 22, loss of "qualified student status", or death;
- Dependent parent(s): death.

If the surviving spouse **has not remarried** by the date the decedent would have qualified for age and service retirement, or if the decedent had been eligible for retirement on the date of death, the spouse qualified for a **"converted"** Death Fund benefit. The monthly benefit equals **50 percent** of the monthly "base pay" for the decedent's position on either (1) the date the decedent would have been eligible to retire, or (2) the date of death, if the decedent had been eligible to retire on the date of death.

The benefit is reduced **only** by the amount of any pre-retirement survivor annuity paid to a PFDPF spouse. This benefit terminates only **upon the surviving spouse's death.**

If the decedent is not survived by a spouse, or if the surviving spouse had died prior to the decedent's retirement eligibility date, then a minor child or student **might** qualify for benefits if otherwise eligible. The monthly benefit to each child or student is an **equal share of 50 percent of the monthly "base pay"** for the decedent's position in effect on the date the decedent would have been eligible to retire, or on the day the decedent died if (s)he would have been eligible to retire, divided by the number of eligible children. An individual benefit **could be reduced** by the amount of any PFDPF pre-retirement survivor annuity. As each child or student loses his/her eligibility, that portion of the total benefit is redistributed among the remaining survivors.

Eligible survivors, *with few exceptions*, will receive two checks monthly: one from the Death Fund, and one from the decedent's pension fund or retirement system. Benefits are paid at the first of each month for that month.

Contact The Police and Firemen's Disability and Pension Fund of Ohio, 140 E. Town Street, Columbus, OH 43215, and telephone (800) 860-9599.

BUCKEYE STATE SHERIFFS' ASSOCIATION

Buckeye State Sheriffs' Association (BSSA) benefits are payable to the beneficiaries of any employee who is a **current year member of the Association.**

- * \$2,000 Term Life, any cause
- * \$5,000 Accidental Death/Dismemberment
- * \$7,500 In-Line-of-Duty Death

- * Coverage continues to age 80 if employment with Department continues.
- * Waiver of premium for disability after nine (9) months of continuous disability prior to age 60.
- * Certain restrictions apply. See policy for exact coverage.

Benefits are payable to current **beneficiary of record**. BSSA members should refer to their insurance policy for explanation of all benefits.

Claim forms can be obtained from Buckeye State Sheriffs' Association at www.buckeyesheriffs.org.

EDUCATION BENEFITS

Under the Ohio Revised Code 3333.26, **children and the spouse** of an officer who dies in the line of duty, and who is admitted to any State university or college as defined in Division (A) (1) of Ohio Revised Code 3345.12, community college, state community college, university branch or technical college, shall **not be required to pay any tuition or any student fee** for up to four years of education, which shall be at an undergraduate level. Benefits are available to children **under age 26** or age 30 with military service who have been a resident of Ohio for at least one year. There is no age limit for spouses. A former spouse who was divorced or legally separated from the deceased person is eligible if he or she is the court-ordered custodial parent of a minor child of the marriage.

The local agency should contact their elected state official (State Senator or State Representative) for procedure in applying for this or contact the Ohio Student Aid Commission, State Grants and Scholarships Department, 309 S. 4th Street, P. O. Box 182452, Columbus, OH 43218-2452, telephone (888) 833-1133. The financial aid office at the institution should be aware of this Ohio Statute.

Beginning March 2, 2001, the tuition and fee waiver applies to survivors of persons who held an equivalent law enforcement position in another state and were killed in the line of duty. The child or spouse must meet the existing programs' requirements regarding age and residency in Ohio.

HEALTH BENEFITS

Health plans vary. Check with your local department to determine benefit packages available. Surviving spouses and dependent children are eligible to receive health care benefits from PFDPF (address and phone on page 3).

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in Ohio; however waivers are allowed.

Workers' Compensation benefits are payable to beneficiaries of **ALL** agency personnel *providing the following criteria, as outlined in "A", are met.*

- A. Should death be caused by or related to an industrial injury or disease, worker's compensation will be paid to the spouse **for life duration unless remarriage occurs** and to dependent children

until age 18 or beyond age 18 if disabled, or until age 25 is full-time students.

- B. If the spouse remarries, they will receive an amount equal to two **(2) years compensation.**
- C. Rate: 2/3 of the decedent's average weekly wage with a **minimum weekly benefit of \$214.67 and a maximum weekly benefit of \$644.** This benefit is adjusted annually.
- D. Maximum burial allowance is **\$5,000.**

To receive workers' compensation benefits the surviving spouse **must take the initiative** and file a workers' compensation claim through a **workers' compensation attorney** to receive any compensation. The determination as to whether the claim will be paid will be determined by the Workers' Compensation Appeals Board.

Claim forms can be obtained from the Bureau of Worker's Compensation, Claims Section, BWC 30 West Spring Street, Columbus, Ohio, 43215-2256; (800) 644-6292.

PERSONAL LIFE POLICIES

All property of an intestate, both real and personal, or if there is surviving spouse, **excess, if any, over share of such spouse** (as to which see infra), descends and is distributed as follows, each class of which member is living taking to exclusion of subsequent classes: **(1)** child or children and/or lineal descendants of deceased child or children; **(2)** parents equally or all to surviving parent; **(3)** brothers and sisters of whole or half blood and/or lineal descendants of deceased brothers and sisters; **(4)** one-half to maternal grandparents or survivor of them, and one-half to paternal grandparents or survivor of them; **(5)** if both maternal or both paternal grandparents are deceased, their one-half goes to their lineal descendants, or if there be no such descendants, to surviving grandparent or grandparents or their lineal descendants; **(6)** next of kin of equal degree, no representation among next of kin more remote than stepchildren or their lineal descendants, escheat to state. Next of kin are determined according to civil law rules. (2105.03).

When all who inherit are of equal degree of consanguinity to intestate, they take per capita; when of unequal degree, they take per stirpes.

Surviving spouse takes share of estate as follows: If one child or his lineal descendants surviving, then first \$60,000 if spouse is natural or adoptive parent of child, or first \$20,000 if not, plus one-half of balance of estate; if more than one child or their lineal descendants surviving, then first \$60,000 if spouse is natural or adoptive parent their lineal descendants, then whole estate.

Surviving spouse is entitled to receive **one automobile** from estate if not otherwise disposed of by will. Automobile is not considered estate asset and is not included in estate inventory.

PEER SUPPORT ORGANIZATION

Established in 1984, **Concerns of Police Survivors, Inc., (COPS)**, is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. C.O.P.S. has become a "lifeline" to police survivors nationwide. **Contact the C.O.P.S. National Office or visit www.nationalcops.org/chap.htm for information on a chapter in your area.**

ADDITIONAL BENEFITS

Ohio Victims of Crime Compensation Program offers compensation to victims of criminally injurious conduct and their dependents for a wide variety of out-of-pocket expenses. Ohio's Program is fair, enabling all victims to have the opportunity to be represented by the attorney of their choice with attorney fees paid from the reparations fund. Ohio's Program does not cost the taxpayers one dollar. All awards, attorney fees and administrative costs are funded from court costs assessed against all persons convicted of or pleading guilty to misdemeanors and felonies.

For more information or to find out available compensation contact Ohio Victims of Crime Compensation Program, 65 East State Street, Suite 1100, Columbus, OH 43215; (877) 584-2846 or www.ag.state.oh.us.

Fraternal Order of Police: The FOP State Lodge provides a **\$1,000** death benefit in addition to what your local lodge may provide.

Contact the Ohio State Fraternal Order of Police, 222 E. Town Street, Columbus, OH 43215, and telephone (614) 224-5700.

The Ohio State Police Memorial is located in **Columbus, Ohio at the OSP Academy.**

A memorial honoring fallen officers from 1976 forward is located at the **Ohio Peace Officers Training Academy in London, Ohio.** A memorial service is held every year to honor fallen officers who died in 1976 or later.

The Ohio Blue Shield Scholarship Fund (OBSSF) Please contact at PO Box 766 Dublin, OH 43017 or at their website www.ohioblueshieldfund.org The OBSSF is a 501(c)(3) approved organization.

FUNERAL AND CREMATION BENEFITS

Dignity Memorial funeral, cremation and cemetery providers created the Public Servants Program for emergency service personnel. This program provides dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers who fall in the line of duty. Visit their website for complete information @ www.dignitymemorial.com and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.