

# Department of Administrative Services

Improving efficiency, compliance, and workplace performance

## Georgia State Indemnification Program

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Risk Management Services



# History of the Program

The General Assembly created the Georgia State Indemnification Program in 1976. It was established to provide compensation to certain public officials who are permanently disabled or killed in the line of duty.

- Effective July 1, 2001 the program was expanded to include “Supplemental Pay”
- July 1, 2008 the benefit expanded again to include partial permanent disability.

# Program Information

- Georgia State Law O.C.G.A 45-9-81 thru 45-9-105 defines the Georgia State Indemnification Program.
- The program provides a financial benefit for the designated public officers who are disabled or killed in the line of duty.
- Benefits under the indemnification fund include payments for supplemental income, partial permanent disability, total permanent disability and for death.
- Website: <http://doas.ga.gov/risk-management/insurance-services/georgia-state-indemnification-program>

# Eligibility Criteria

- Law enforcement officers
- Firefighters, volunteers, Georgia forestry commission employees
- Prison guards, jailers, probation etc.
- Publicly employed emergency medical technicians
- Emergency management rescue specialist
- State highway employees-D.O.T. (H.E.R.O. Units)
- And members of the Georgia National Guard when called into active state service by the Governor for law enforcement purposes.
- \*\*\*\*Supplemental pay benefits only applies to law enforcement officers and firefighters\*\*\*\*\*

# In The Line Of Duty Definition

According to O.C.G.A. 45-9-81 (6):

- (A) With respect to an emergency medical technician or an emergency management rescue specialist, while on duty and when responding to or returning from an emergency or performing duties at the scene of an emergency or transporting a person to a medical facility for emergency treatment or returning therefrom;
- (B) With respect to a volunteer firefighter, while on duty and when responding to or returning from a fire or other emergency or performing duties during any fire or other emergency or performing duties intended to protect life and property including, without limitation, actual participation in a training exercise;

# In The Line Of Duty Definition

- C) With respect to a law enforcement officer or firefighter, while on duty and performing services for and receiving compensation from the law enforcement and fire service agency which employs such officer or firefighter, while off duty when responding to any situation which would save a life or preserve the peace, or while preventing or attempting to prevent the commission of a crime or fire. A law enforcement officer or firefighter who is performing duties for and receiving compensation from a private employer at the time of such officer's or firefighter's death or bodily injury causing total permanent disability or partial permanent disability shall not be considered in the line of duty if the officer or firefighter is entitled to workers' compensation benefits from the private employer or the private employer's insurer;
- (D) With respect to a prison guard, while on duty and performing services for and receiving compensation from the public agency which employs such prison guard; or

# In The Line Of Duty Definition

- E) With respect to a state highway employee, while on duty and performing any work necessary for the construction, maintenance, or operation of a roadway on or within the public roads of the state as defined in paragraph (24) of Code Section 32-1-3 when such employee is killed or permanently disabled as the result of working under hazardous conditions in close proximity to moving traffic or equipment.
- Such term shall not mean commuting to or from work or commuting to or from training.

# Partial Permanent Disability Criteria

According to O.C.G.A. 45-9-81 (9) "Partial permanent disability" means disability due to:

(A) Loss of the use of one eye or blindness in one eye with only light perception;

(B) Loss of one hand;

(C) Loss of one leg; or

(D) Loss of a lower extremity or the residual effect of an organic disease or injury which so affects the functions of balance or propulsion as to preclude locomotion without the use of a wheelchair for all but very short distances.

# Total Permanent Disability Criteria

According to O.C.G.A. 45-9-81(12) "Total permanent disability" means disability due to:

- (A) Loss of both eyes or blindness in both eyes with only light perception;
- (B) Loss or loss of use of both hands;
- (C) Loss or loss of use of both legs;
- (D) Loss of a lower extremity or the residual effect of an organic disease or injury which so affects the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair at all times; or
- (E) Organic brain damage.

# Application Process

According to O.C.G.A. 45-9-86 :

- (a) An application for indemnification with respect to a claim for total permanent disability or partial permanent disability of a law enforcement officer, firefighter, prison guard, emergency medical technician, emergency management rescue specialist, or state highway employee shall be submitted by **that person unless the person is mentally incompetent, in which case the application may be made on such person's behalf by his or her legal guardian.**

# Application Process

- ) An application for indemnification with respect to a claim for the death of a law enforcement officer, firefighter, prison guard, emergency medical technician, emergency management rescue specialist, or state highway employee shall be submitted by or on behalf of the **surviving, unremarried spouse or dependents** eligible under this part.
- (c) An application for indemnification with respect to death, organic brain damage, total permanent disability, or partial permanent disability must be made within **24 months after the date of the incident** giving rise to the death, organic brain damage, or disability.

# Additional Documents Needed

The following documents may be requested as a supplement:

- Worker's Compensation File
- Incident Report
- Supervisor's Report
- Marriage Certificate
- Most Recent Tax Return
- Death Certificate

# Benefits

- In the case of partial permanent disability the current benefit is \$35,000 paid in equal monthly installments of \$583.33 for five years or a lump sum payment reduced 6% per annum.
- In the case of total permanent disability the current benefit is \$75,000 paid in equal monthly installments of \$1250.00 for five years or a lump sum payment reduced 6% per annum.
- In the case of death or organic brain damage the current benefit is \$150,000 paid in equal monthly installments of \$2,500.00 for five years or a lump sum payment reduced 6% per annum. These benefits will be paid to the unremarried spouse or dependents listed on the most recent tax return of the deceased person or the legal guardian of the organically brain damaged person.

# Supplemental Benefits

- Supplemental pay is additional funds received from the state that subordinated to workers' compensation benefits from employer, which could result in the recipient receiving monthly gross salary minus state and FICA withholding which was in effect prior to the date the law enforcement officer or firefighter was injured in the line of duty.
- The law enforcement officer must be physically disabled but not permanently disabled, as a result of a physical injury and caused by a willful act of violence

# Supplemental Benefits

- A firefighter must be physically disabled but not permanently disabled, as a result of a physical injury that occurred in the line of duty fighting a fire.
- These benefits are paid monthly for a maximum of 12 months.
- DOAS will require a copy of the worker's compensation record, evidence of disability, and other records associated with such sources of compensation.

# Denial of Benefits

According to O.C.G.A. 45-9-88 :

- (a) No indemnification shall be awarded to any person otherwise entitled thereto who violates a penal law of this state which violation caused or contributed to the death or disability of the officer.
- (b) Notwithstanding any other provision of this article, no payment shall be authorized if death, organic brain damage, total permanent disability, or partial permanent disability occurs from suicide, intentionally self-inflicted injuries, natural causes, or the performance of routine duties which would not be considered strenuous or dangerous by a reasonable person; provided, however, that this subsection shall not preclude the department or the commission from considering competent, independent medical evidence as to whether a heart attack that occurs shortly after fighting a fire was caused by the strain of fighting the fire.

# Supplemental Benefits Application Process

According to O.C.G.A. 45-9-103:

- An application for compensation with respect to a claim filed on or after July 1, 2001, for the temporary disability of a law enforcement officer or firefighter shall be submitted by that person within 60 days from the date of the incident resulting in disability.

# Appeal Process

According to O.C.G.A 45-9-85:

- (c) If the department denies a claim, any person seeking benefits pursuant to this part may appeal the department's decision to the commission. Any such appeal shall be filed with the commission within 60 days of receipt of the department's decision and shall identify the errors in the department's decision.



## Risk Management Services

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