



# **Risk Management Services Division**

## **INDEMNIFICATION PROGRAM**

## **Introduction**

The State of Georgia recognized the unique hazards inherent in certain public occupations that led the General Assembly to establish the Georgia State Indemnification Program. The program provides financial compensation for designated public officers who are disabled or killed in the line of duty. Benefits under the Public Officers Indemnification Fund include payments for partial or total permanent disability, death, as well as supplemental pay for temporary +disability.

The Georgia State Indemnification Program is established by O.C.G.A. § 45-9-80 et seq.

## **Governance**

The Program is governed by the Georgia State Indemnification Commission (the Commission) which is attached to the Georgia Department of Administrative Services (DOAS) for administrative purposes.

DOAS has the responsibility approve or deny claims for indemnification; however, any decision of DOAS is subject to review by the Commission. If DOAS denies a claim, any person seeking benefits may appeal to the Commission. The Commission may modify or override the decision of the DOAS upon a showing of an error of material fact or an abuse of discretion.

The members of the Commission are designated by statute as follows:

- Governor, Chair
- Commissioner of Public Safety
- Commissioner of Corrections
- Commissioner of Public Health
- Commissioner of Community Supervision
- Commissioner of Transportation
- Executive Director of the Georgia Peace Officer Standard and Training Council
- Executive Director of the Georgia Firefighter Standard and Training Council
- One firefighter appointed by the Governor
- One law enforcement Officer appointed by the Governor

## **PARTIAL/TOTAL PERMANENT DISABILITY OR DEATH BENEFITS**

### **Covered Officers**

Public officers that may be eligible for benefits for partial or total permanent disability or death benefits include law enforcement officers, firefighters, prison guards, publicly employed emergency medical technicians, emergency management rescue specialists, state highway employees, and active members of the Georgia National Guard, when called into service by the Governor. Eligible positions are defined as follows:

- **Law Enforcement Officer:** any agent or officer of this state, a political subdivision or municipality of this state, or an authority of this state or a political subdivision of this state who, as a full-time or part-time employee, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws with the power of arrest and whose duties include the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime. Such term also includes the employees designated by the commissioner of juvenile justice pursuant to O.C.G.A. § 49-4A-8 (i)(2) who have the duty to investigate and apprehend delinquent children, or the supervision of delinquent children under intensive supervision in the community, and any child with a pending juvenile court case alleging the child to be a child in need of services who has escaped from a facility under the jurisdiction of the Department of Juvenile Justice or who has broken the conditions of supervision. Such term also includes members of the Georgia National Guard, the composition of which is set forth in O.C.G.A. § 38-2-3, who have been called into active state service by the Governor.
- **Emergency Management Rescue Specialist:** Any person licensed as an emergency management rescue specialist pursuant to O.C.G.A. § 38-3-36.
- **Emergency Medical Technician:** Includes only persons who:
  - Are certified as emergency medical technicians, paramedics, or cardiac technicians under chapter 11 of Title 31; and
  - Are employed in the capacity for which they are so certified by a department, agency, authority, or other instrumentality of state or local government.

- **Firefighter:**
  - a. Any person who is employed as a professional firefighter on a full-time basis or part-time basis by any municipal, county, or state government fire department employing three or more firefighters and who has the responsibility of preventing and suppressing fires, protecting life and property, enforcing municipal, county, and state fire prevention codes, enforcing any law pertaining to the prevention and control of fires or who performs any acts or actions while on duty or when responding to a fire or emergency during any fire or other emergency or while performing duties intended to protect life and property.
  - b. “Firefighter” shall also mean any individual serving as an officially recognized or designated member of a legally organized volunteer fire department, or any employee of the State Forestry Commission whose job duties include fire mitigation, who performs any acts or actions while on duty or when responding to a fire or emergency during any fire or other emergency or while performing duties intended to protect life and property.
  - c. “Firefighter” shall also mean any individual employed by a person or corporation which has a contract with a municipal corporation or county to provide fire prevention and fire-fighting services to such municipal corporation or county and any such individual is employed on a full-time basis of at least 40 hours per week and has the responsibility of preventing and suppressing fires, protecting life and property, enforcing municipal or county fire prevention codes, enforcing any municipal or county ordinances pertaining to the prevention and control of fires or who performs any acts or actions while on duty or when responding to a fire or emergency during any fire or other emergency or while performing duties intended to protect life and property.
- **Prison Guard:** Any person employed by the State or any political subdivision thereof whose principal duties relate to the supervision and incarceration of persons accused or convicted of the violation of the criminal laws of this state or any political subdivision thereof. Such term shall also mean any community supervision officer who is required to be certified under Chapter 8 of Title 35, the “Georgia Peace Officer Standards and Training Act,” and whose principal duties directly relate to the supervision of probationers or parolees. Such term also means any person employed by the state or any political subdivision thereof whose principal duties include the supervision of youth who are charged with or adjudicated for an act which if committed by adults would be considered a crime.
- **State Highway Employee:** An employee of the Georgia Department of Transportation who receives compensation directly therefrom and regularly engages in duties necessary for the construction, maintenance, or operation of roadways on or within the public roads of this state as defined in O.C.G.A.  
§ 32-1-3 (24).

## Types of available benefits

Benefits offered to qualifying public officers are *partial permanent disability* benefits, *total permanent disability* benefits, or benefits for *death* or *organic brain damage*.

- ***Partial permanent disability.*** Disability due to:
  - Loss of the use of one eye or blindness in one eye with only light perception;
  - Loss of one hand;
  - Loss of one leg; or
  - Loss of a lower extremity or the residual effect of an organic disease or injury which so affects the function of balance or propulsion as to preclude locomotion without the use of a wheelchair for all but very short distances.
  
- ***Total Permanent disability.*** Disability due to:
  - Loss of both eyes, or blindness in both eyes with only light perception;
  - Loss or loss of use of both hands;
  - Loss or loss of use of both legs;
  - 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
  - Organic brain damage, defined as direct physical trauma to the brain which so affects the mental capacity as to preclude functioning productively in any employment

## In the Line of Duty

To qualify for death or disability benefits, the death or disability must have occurred “in the line of duty,” which is defined as follows:

- 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;
- 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;
- 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;
- 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
- 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 O.C.G.A. § 32-1-3(24) when such employee is killed or permanently disabled as the result of working under hazardous conditions in close proximity to moving traffic or equipment.

Injury or death sustained from commuting to or from work or commuting to or from training is not considered in the line of duty.

### **Application Deadline**

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.

### **Eligible Beneficiaries**

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.

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 un-remarried spouse or dependents of the spouse or deceased person as shown in his or her most recent tax return.

### **Amount of benefit**

- In the case of a *partial permanent disability* suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, state highway employee, or prison guard, the eligible disabled person may elect payment of \$35,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum;
- In the case of a *total permanent disability* suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, state highway employee, or prison guard, the injured person may elect to receive a payment of \$75,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum; or
- In the case of *death or organic brain damage* suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management specialist, state highway employee, or prison guard, the surviving unremarried spouse, dependents, or the legal guardian may elect to receive payment in a lump sum payment of \$150,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum.<sup>1</sup>

### **SUPPLEMENTAL PAY (Temporary Disability Compensation Program)**

The Commission also administers the supplemental pay program which is available to law enforcement officers who become physically disabled, but not permanently disabled, as a result of physical injury incurred in the line of duty and caused by a willful act of violence and for firefighters who become physically disabled, but not permanently disabled, as a result of physical injury incurred in the line of duty while fighting a fire.

For purposes of an application for supplemental pay benefits, "**Injured in the line of duty**" means an injury which arises out of or in the course of employment in the line of duty; or, with respect to a firefighter of a legally organized volunteer fire department, such term means an injury while on duty and when responding to a fire or emergency with the volunteer fire department during any fire or other emergency or while performing duties intended to protect life and property. Going to or from work shall not be considered in the line of duty; and going to a legally organized volunteer fire department to begin a service of duty or traveling from such a fire department after duties have been completed or traveling from the scene of a fire, emergency, or other location where duties were being performed and have been completed shall not be considered in the line of duty.

**"In the line of duty"** for purposes of supplemental benefits is defined as follows:

- With respect to a *volunteer firefighter*, while on duty and performing duties during any fire or other emergency or performing duties intended to protect life and property; or
- With respect to a *law enforcement officer or firefighter*, while on duty and performing services for and receiving compensation from the law enforcement or fire service agency which employs such officer or firefighter, while off duty and 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 bodily injury, but not 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.

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<sup>1</sup>The lump sum benefit amount for death or organic brain damage claims was increased from \$100,000 to \$150,000 in 2017 by SB 160 and is effective July 1, 2017.



### **Application deadline**

An application for supplemental pay must be submitted by that person within **sixty days from the date of the incident resulting in disability.**

### **Amount of benefit**

The available benefit is an amount up to his or her monthly salary for the period of time in which the officer or firefighter is physically unable to perform the duties of his or her employment, not exceeding 12 months. These benefits are subordinate to any workers' compensation or disability benefits, or any other compensation benefits actually paid.

### **How to apply for benefits.**

**Download application from :** <http://doas.ga.gov/risk-management/insurance-services/georgia-state-indemnification-program>

### **Send completed application to:**

Georgia State Indemnification Program  
200 Piedmont Avenue, Suite 1220 WT  
Atlanta, GA 30334