



Introduction to the Georgia Indemnification Act

Presented by Marcellina Scott
Indemnification Program Officer
Georgia Department of Administrative Services

Georgia State Law, O.C.G.A. 45-9-85

The program was first enacted in 1973 and provides a financial benefit public safety officers who are injured or killed in the line of duty.

In 2000, a second part of the Act (Part II) was ratified – Supplemental Program

Georgia State Law, O.C.G.A. 45-9-70

Authorizes the payment of a financial benefit to certain public school employees who are killed or permanently disabled by an act of violence in the line of duty on or after July 1st, 2001.

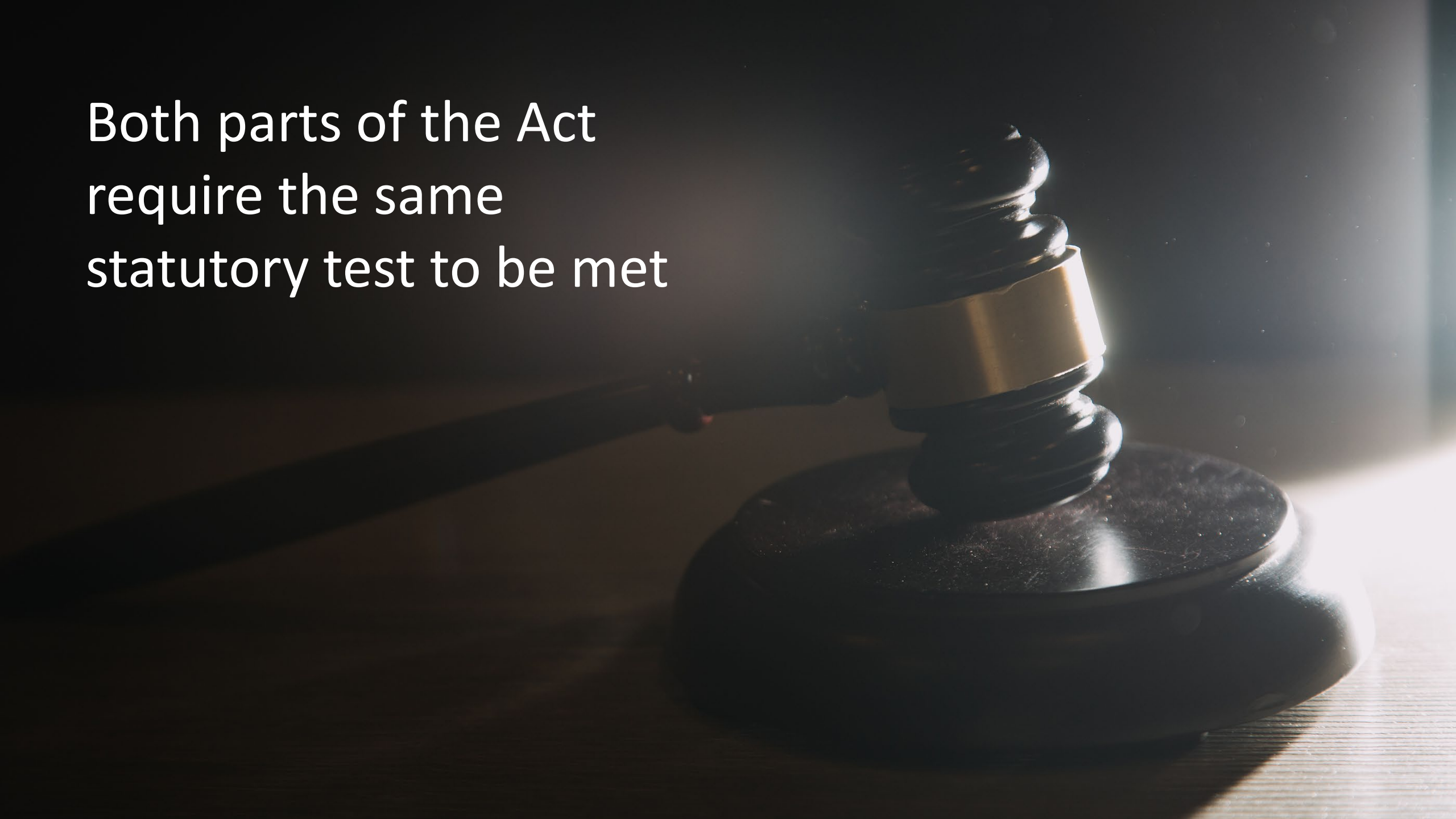


A **public safety officer** must be killed or injured during a **work-related activity** while **in the line of duty**. The duty must be **nonroutine** and must be considered **strenuous** or **dangerous** by a reasonable person.

A **public school employee** who is killed or permanently disabled by a willful act of violence committed **by a person other than** a fellow public school teacher or public school employee, and must occur **in the line of duty** or while performing services and receiving compensation from a public school district



Both parts of the Act
require the same
statutory test to be met



Eligibility Criteria

- Law enforcement officers
- Firefighters, volunteers, Georgia Forestry Commission employees
- Prison guards, correctional officers, jailers, 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.
- Professionally certificated teacher, employed in public school systems of GA
- Public school employees-classroom aides, paraprofessionals, and noncertified administrative and clerical personnel

Supplemental pay benefits only apply to law enforcement officers and firefighters*



- **Nonroutine stressful or strenuous physical activity means actions that are not clerical, administrative, or non-manual in nature.**
- **Work related activity means, while in the line of duty: the officer is engaging in a situation involving nonroutine, stressful or strenuous physical activity related to law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison or jail security, disaster relief, or any other emergency response as classified by the commission**

- **Participating in a training exercise involving nonroutine, stressful or strenuous physical activity. Must be POST or GFSTC certified (excludes recruits).**

Part I addresses fatal and (in most cases) career ending permanent injuries suffered in duty by providing benefits for death, and total or partial permanent disability

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**.

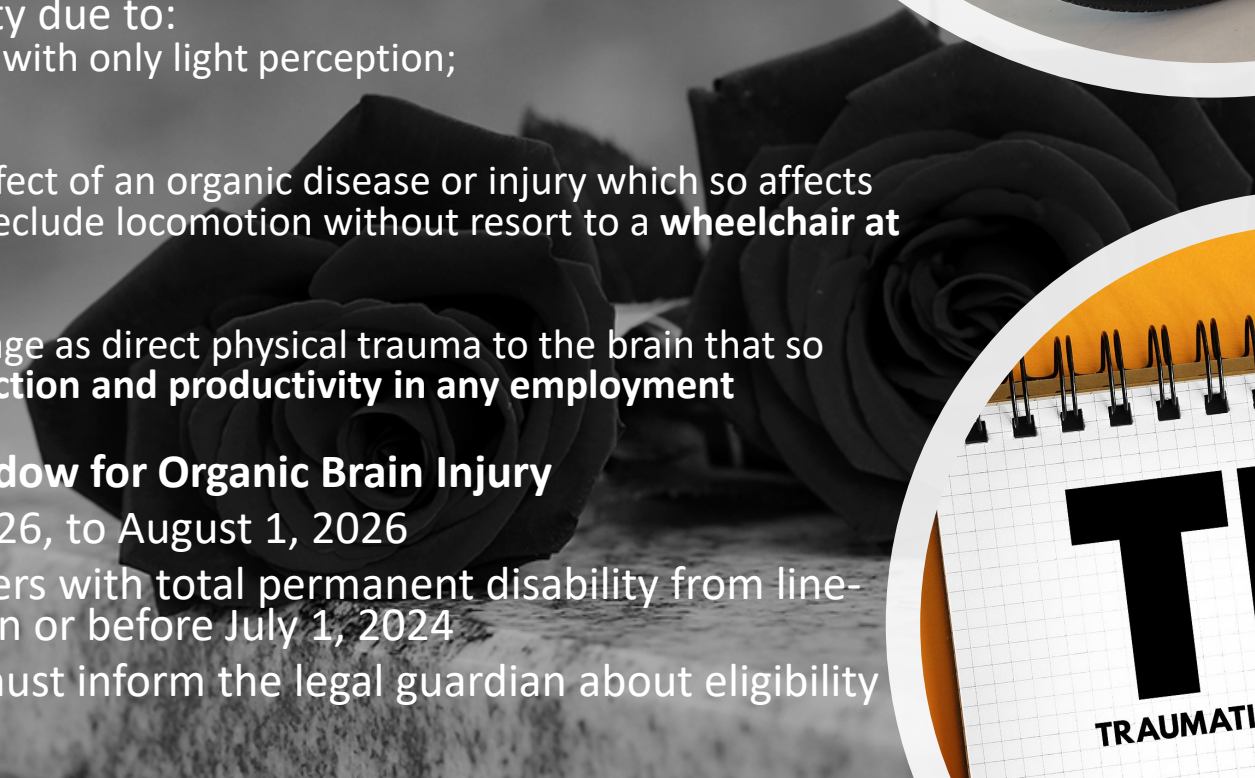
Total Permanent Disability means disability due to:

- (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.

O.C.G.A. 45-9-81(8) defines organic brain damage as direct physical trauma to the brain that so affects **the mental capacity as to preclude function and productivity in any employment**

House Bill 1128- Special Application Window for Organic Brain Injury

- New application window from July 1, 2026, to August 1, 2026
- Provides coverage to public safety officers with total permanent disability from line-of-duty organic brain damage occurring on or before July 1, 2024
- SBWC and Law enforcement agencies must inform the legal guardian about eligibility

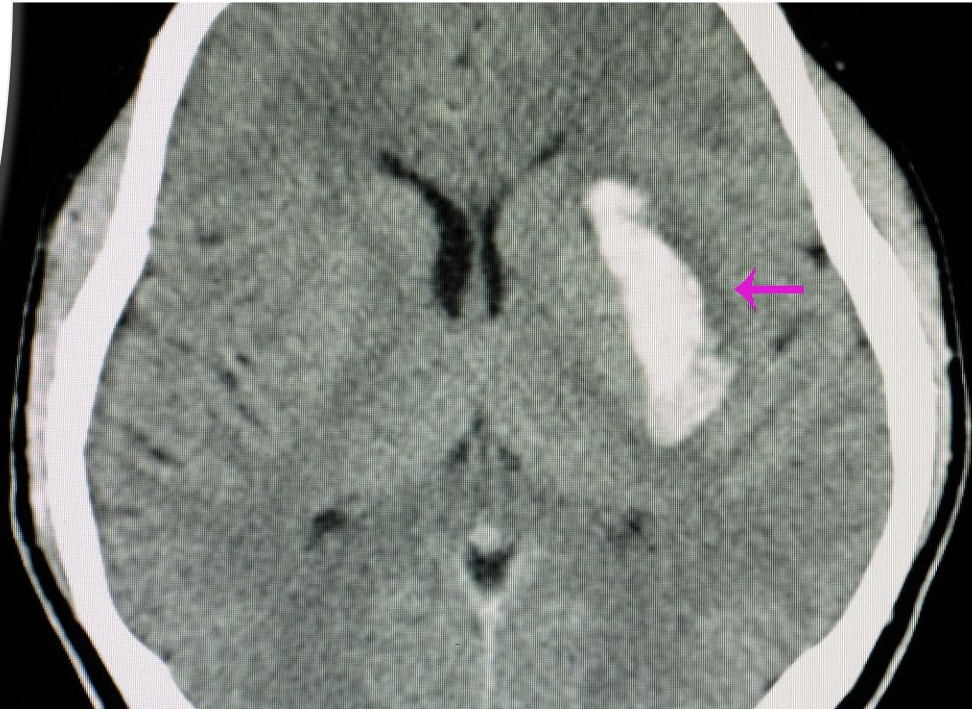



Heart Attack, Stroke, or Vascular Rupture Events

A heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to qualify such public safety officer under this subsection if the heart attack, stroke, or vascular rupture

Commenced:

- (i) While such public safety officer was performing work related activity;
- (ii) While such public safety officer was on duty after performing work related activity; **or**
- (iii) Not later than 24 hours after performing work related activity; **and**





Part II, in contrast to Part I, provides:

- compensation for peace officers temporarily disabled from an in the line of duty injury caused by a **willful act of violence**.
- Firefighters who become physically disabled, but not permanently disabled, as a result of a physical injury incurred in the line of duty **while fighting a fire**.

The benefit supplements workers' compensation or other disability benefits, so the officer receives their full regular compensation while they are unable to work.

BENEFITS



Part I Financial Benefits Available

\$150,000 for death benefits:

- Payable to surviving un-remarried spouse, children under 19 or 24 if enrolled in a post secondary education program at the time of death, dependents named on the tax return of the deceased.
- Payable in monthly benefits for 5 years or in a lump sum. Lump sums are reduced by 6% per annum.
- For example, \$150,000 reduced by 6% per annum equates to \$112,088.73.

\$75,000 for total permanent disability benefits:

- Payable in monthly benefits for 5 years or in a lump sum. Lump sums are reduced by 6% per annum
- For example, \$75,000 reduced by 6% per annum equates to \$56,044.36

\$35,000 for partial permanent disability benefits:

- Payable in monthly benefits for 5 years or in a lump sum. Lump sums are reduced by 6% per annum
- For example, \$35,000 reduced by 6% per annum equates to \$26,154.04

Part II Financial Benefits Available

- Supplemental pay benefits entitle peace officers to receive their regular compensation while disabled from their job.

Caveats to this benefit:

- Only available for 12 months.
- Benefits are subordinate to other benefits. For example: sick time credit and/or workers' compensation benefits.
- Benefits are taxed as regular wages.



No Indemnification Award if...

- The person violated a penal law of the state which caused or contributed to the death or disability of the officer;
- The injury/death is secondary to self-inflicted injuries
- The injury/death is secondary to natural causes; or
- The injury/death occurred during the performance of routine duties which would not be considered strenuous or dangerous by a reasonable person – except as provided by subsection (b) of 45-9-85;
- Officer is off duty and commuting to and from work.
- Untimely Application

Application Process

Step 1 for Part I: File an application with the Indemnification Commission within **24 months** of the incident giving rise to the injury or death.

Step 1 for Part II: File an application with the Indemnification Commission within **60 days** of the incident giving rise to the injury.

Step 2: DOAS will contact Employer and ask for information to determine claim compensability.

Step 3: DOAS renders a decision and either sends an award letter or a denial letter.

APPEALS

Applicants who are denied have 60 days from the date of receiving the denial letter to appeal.

The letter must state the errors with the denial decision.

Appeals are heard by the Indemnification Commission.



Website Link

<https://doas.ga.gov/risk-management/indemnification-program-public-officers-and-educator>



Georgia™

Department of
Administrative Services

Risk Management Services

Georgia State Indemnification Program

200 Piedmont Avenue, Suite 1220

West Tower

Atlanta, GA 30334

Risk.Management@doas.ga.gov

Marcellina Scott

Phone: 470-681-6616

Email Address: marcellina.scott@doas.ga.gov



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QUESTIONS?