

Georgia State Indemnification Program

Department of Administrative Services

January 2009

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 a financial benefit for designated public officers and public school personnel who are disabled or killed in the line of duty. Benefits under the Public Officers Indemnification Fund include payments for permanent disability, supplemental income, and for death. Eligible public officers 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.

Also, as part of this program, the Public School Indemnification Fund provides for payments for any public school employee who is killed or permanently disabled by an act of violence in the line of duty on or after July 1, 2001. The program is funded by the revenue generated by the sale of special license plates honoring Georgia educators. Each program is governed by a commission designated by statute and administered by DOAS.

For additional information about the Georgia State Indemnification Program call DOAS' Risk Management Services at 404-657-4437.

Overview

State law authorizes the payment of a financial benefit to certain public officials who are disabled or killed in the line of duty. **Effective July 1, 2008 the program was expanded to include "Partial permanent disability" benefits.**

What does Partial Permanent Disability Mean?

- (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 function of balance or propulsion as to preclude locomotion without the use of a wheelchair for all but very short distances.

The payments are made through the Georgia State Indemnification Fund, which is overseen by the Georgia State Indemnification Commission and administered by the Department of Administrative Services. The members of the Commission include:

- The Governor,
- The Commissioner of Public Safety,
- The Commissioner of Corrections,
- The Commissioner of Human Resources,
- The Commissioner of Transportation,
- The Executive Director of the Georgia Peace Officers Standard and Training Council,
- The Executive Director of the Georgia Firefighter's Standard and Training Council
- One Firefighter appointed by the Governor
- One Law Enforcement Officer appointed by the Governor

The Department shall approve or deny claims for compensation; however, any decision of the Department shall be subject to review by the Commission. If the department denies a claim, any person seeking benefits may appeal to the commission within 60 days of receipt of the department's decision and shall identify the errors in the department's decision.

Fact Sheet

This document is intended to serve only as a summary overview of the Indemnification Program. For specific information please refer to the Official Code of Georgia (O.C.G.A.) Section 45-9.

How much is the benefit?

In the case of partial permanent disability suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, or prison guard, the eligible disabled person may elect payment of \$35,000 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 partial permanent disability suffered in the line of duty by a state highway employee, the eligible person may elect to receive a payment of \$12,000 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 total permanent disability suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, or prison guard, the injured person may elect to receive a payment of \$75,000 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 total permanent disability suffered in the line of duty by a state highway employee, the eligible person may elect to receive a payment of \$25,000 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 death or organic brain damage suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management specialist, or prison guard, payment shall be made to the surviving unmarried spouse or the dependents of the spouse or deceased person as shown in his or her most recent tax return or to the legal guardian of the organically brain damaged person. The surviving unmarried spouse, dependents, or the legal guardian may elect to receive payment in a lump sum payment of \$100,000 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 state highway employee, payment shall be made to the surviving unmarried spouse or the dependents of the spouse or deceased person as shown in his or her most recent tax return or to the legal guardian of the organically brain damaged person. The surviving unmarried spouse, dependents, or the legal guardian may elect to receive payment in a lump sum of \$40,000 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.

Under supplemental pay, the law enforcement officer or firefighter could receive an amount that equals his or her monthly gross salary, minus deductions for State income tax withholding and FICA tax withholding, which was in effect prior to the date the law enforcement officer or firefighter was injured in the line of duty. Benefits are payable in monthly payments.

Who should I contact with further questions?

Georgia State Indemnification Commission
C/O Department of Administrative Services
Risk Management Services
Floyd Contract Station
Post Office Box 347118
Atlanta, Georgia 30334-0118

Or call 404-657-4437

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.

Notwithstanding any other provision of this article, no payment shall be authorized if the 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.

Covered Occupations

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 who 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 of the Department of Juvenile Justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8, which employees have the duty to investigate and apprehend delinquent and unruly children who have escaped from a facility under the jurisdiction of the Department of Juvenile Justice or who have broken the conditions of supervision. Such term also includes members of the Georgia National Guard, the composition of which is set forth in Code Section 38-2-3, who have been called into active state service by the Governor.

In the case of supplemental pay law enforcement officer means:

Any agent or officer of this state, or a political subdivision or municipality thereof, who, as a full-time or part-time is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws and who 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 of the Department of Juvenile Justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8, which employees have the duty to investigate and apprehend delinquent and unruly children who have escaped from a facility under the jurisdiction of the Department of Juvenile Justice or who have broken the conditions of supervision. Such term also includes members of the Georgia National Guard, the composition of which is set forth in Code Section 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 Code Section 38-3-36

Emergency Medical Technician:

Includes only person who:

- (A) Are certified as emergency medical technicians, paramedics, or cardiac technicians under chapter 11 of Title 31; and
- (B) 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 Georgia 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.

In the case of supplemental pay fire firefighter means:

*Any person who is employed as a professional firefighter on a full-time or part-time basis by any municipal, county, or state government fire department certified in writing by the Georgia Firefighter Standards and Training Council pursuant to Code Section 25-3-22 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; **or***

Any individual serving as an officially recognized or designated member of a legally organized volunteer fire department certified in writing by the Georgia Firefighter Standards and Training Council pursuant to Code Section 25-3-22 who performs any acts or actions while on duty and when responding to a fire or emergency during any fire or other emergency or while performing duties intended to protect life and property.

Any employee at the Georgia Forestry Commission whose job duties include fire mitigation.

Volunteer firefighter means a person who is appointed and regularly enrolled as a volunteer with a legally organized fire department; who, as a volunteer firefighter, has and primarily performs the principal responsibility of preventing or suppressing fires; and who satisfies the requirements specified in subparagraph (a) (1)(D) of Code Section 25-3-23.

Full time means an employee who regularly works 30 hours or more each week.

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 probation supervisor or parole 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 adult probationers or adult 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 there from 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 paragraph (24) of Code Section 32-1-3.

In the line of duty means:

- (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 there from;
- (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;

- (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 worker’s 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.
- (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.

In the case of supplemental pay in the line of duty means:

- (A) *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*
- (B) *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 worker’s compensation benefits from the private employer or the private employer’s insurer.*

“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.

What Constitutes a Disability?

According to the statute, Total Permanent Disability means disability precluding employment specifically due to:

1. Loss of both eyes, or blindness in both eyes with only light perception.
2. Loss or loss of use of both hands.
3. Loss or loss of use of both legs.
4. 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
5. Organic brain damage means direct physical trauma to the brain which so affects the mental capacity as to preclude function productively in any employment

Under supplemental pay the law enforcement officer must be 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. A firefighter must be physically disabled, but not permanently disabled, as a result of physical injury incurred in the line of duty while fighting a fire.

Application

To apply for benefits, complete the application form and mail to:

Georgia State Indemnification Commission
Post Office Box 347118
Floyd Contract Station
Atlanta, Georgia 30334-0118

[Application for Benefits](#)

Other Links of Interest

[Federal Government Bureau of Justice Assistance \(BJA\)](#)

[Emergency Federal Law Enforcement Assistance \(EFLEA\)](#)