



## **STATE OF OREGON**

### **DEATH BENEFITS**

**IMPORTANT NOTICE: Both Federal and State death benefits MAY be tax exempt.**

**The IRS Code of the United States states that:**

Survivor benefits attributable to service by a public safety officer who is killed in the line of duty:

(1) In General

Gross incomes shall not include any amount paid as a survivor annuity on account of the death of a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act 1968) killed in the line of duty—

- (A) If such annuity is provided, under a governmental plan which meets the requirements of section 401(a), to the spouse (or a former spouse) of the public safety officer or to a child of such officer; and
- (B) To the extent such annuity is attributable to such officer's service as a public safety officer.

(2) Exceptions

Paragraph (1) shall not apply with respect to the death of any public safety officer if, as determined in accordance with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968—

- (A) The death was caused by the intentional misconduct of the officer or by such officer's intention to bring about such officer's death;
- (B) The officer was voluntarily intoxicated at the time of death;
- (C) The officer was performing such officer's duties in a grossly negligent manner at the time of the death
- (D) The payment is to an individual whose actions were substantial contributing factor to the death of the officer

IRS Code 101 (h) (1) In general. Gross income shall not include any amount paid as a survivor annuity on account of the death of a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968) killed in the line of duty.

Exceptions (1) shall not apply with respect to the death of any public safety officer if as determined in accordance with the provisions of the Omnibus Crime Control and Safety Streets Act of 1968

101 (h) (2) (A) the death was caused by the intentional misconduct of the officer or by such officer's intention to bring about such officer's death, the officer was voluntarily intoxicated at the time of death, the officer was performing such officer's duties in a grossly negligent manner at the time of death, or the payment is to an individual whose actions were a substantial contributing factor to the death of the officer.

*Learn about line of duty death benefits information for all states and US territories at [ODMP.org](http://ODMP.org). Brought to you by Concerns of Police Survivors and the Officer Down Memorial Page.*



To obtain certified copies of registered personal documents, contact the Vital Records Unit, P. O. Box 14050, Portland, OR 97293-0050, phone (971) 673-1190.

## **STATE DEATH BENEFITS**

Effective October 24, 1999, the Public Safety Memorial Fund Board is established to oversee benefits that the spouse or designee and dependents of a public safety officer killed in the line of duty may receive. When a public safety officer, either employed or volunteer, is killed in the line of duty, the Public Safety Memorial Fund Board may pay \$25,000 to a beneficiary as designated in ORS 243.969 or to the person alternately designated on the M-4 Alternate Designation of Beneficiary Form. This form is provided to the public safety officer by the employing agency upon hire. **Contact the Department of Public Safety Standards and Training, 4190 Aumsville Highway SE, Salem, OR 97317.** Contact Linsay Bassler at 503-378-2431 or visit [www.oregon.gov/DPSST](http://www.oregon.gov/DPSST) to obtain timelines for benefits and the benefits information checklist.

## **STATE PENSION BENEFITS**

The **Oregon Public Employees Retirement System (PERS)** is the organization responsible for administering all **member** benefits. Members are encouraged to make an appointment before coming in for counseling at the PERS main office. Simply call PERS and ask the receptionist to connect you with the appointment counselor. The counselor will take the information necessary to prepare for the interview. If possible have your retirement number ready and set up a date and time. **Contact the PERS main office at 11410 SW 68th Pkwy, Tigard, OR 97223 Monday through Friday 8:00 a.m. to 5:00 p.m. or write to PO Box 23700, Tigard, OR 97281-3700. Direct calls to 503-598-7377 or toll free 888-320-7377.**  
**Death Benefits:** If you die before retirement, your beneficiary will receive a **lump-sum refund of your account balance**. That refund includes all your contributions, plus interest earned to the date of your death.

Your beneficiary will also receive a **lump-sum payment equal to your account balance** if:

1. You are employed by a participating employer at the time of your death, or
2. You are on an official leave of absence at the time of your death, or
3. You die as the result of injuries sustained while you were employed, or
4. You die within 120 days after termination of employment with a participating employer.

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If your beneficiary is your spouse, he or she may elect to receive a **monthly payment for life instead of a lump-sum payment.**

## EDUCATION BENEFITS

### State Scholarship Commission

The Governor of Oregon signed legislation on July 10, 1997, to provide scholarships to the surviving children of law enforcement officers killed in the line of duty.

- Section 1. ORS 348.270** (1) In addition to any other scholarships provided by law, the State Scholarship Commission shall award scholarships in any state institution under the State Board of Higher Education, in the Oregon Health Sciences University, in any community college operated under ORS chapter 341, or in any Oregon-based regionally accredited independent institution, to any student applying for enrollment or who is enrolled therein, who is the **natural, adopted or stepchild of any public safety officer who, in the line of duty, was killed.**
- (2) Scholarships awarded under this section to students who are dependents of public safety officers shall equal the amount of **tuition and all fees** levied by the institution against the recipient of the scholarship. However, scholarships awarded to students who attend independent institutions *shall not exceed* the amount of tuition and all fees levied by the University of Oregon.
- (3) If the student who is the dependent of a deceased public safety officer continues to remain enrolled in a state institution of higher education or a community college or an independent institution within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the **equivalent of four years of undergraduate education and four years of post-graduate education.**

Applicants should contact the Public Programs Oregon Student Assistance Commission at (547) 687-7416 or toll free at (800) 452-8807 ext. 7416 or visit [osac.state.or.us](http://osac.state.or.us) for assistance. Applicants must complete the FAFSA (Free Application for Federal Student Aid). When applying, applicants should also ask for any other grants for which they may qualify.

### The Public Safety Memorial Fund

Established October 24, 1999, the Public Safety Memorial Fund Board may award scholarships for a graduate degree to the surviving spouse or designee and dependents. In determining the amount of a scholarship, the board shall consider the applicant's financial need, the funds available in the Public Safety Memorial Fund, and the anticipated demands on the fund. The board may not grant a scholarship in an amount exceeding the highest tuition charged by a state institution of higher education for a graduate program. Contact the

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**Department of Public Safety Standards and Training, 4190 Aumsville Highway SE, Salem, OR 97317 or (547) 687-7416 or toll free at (800) 452-8807 ext. 7416.**

## **HEALTH BENEFITS**

O.R.S. 243.005 requires that **every police officer** in service of a public employer in the State of Oregon be issued a life insurance certificate in the amount of **\$10,000** on his life, covering death caused by "injury or disease" sustained during working hours as a police officer, firefighter or volunteer firefighter, or death resulting from such an "injury or disease" within 365 days. This coverage shall be provided by the public employer **at no expense** to each police officer, firefighter, and volunteer firefighter not later than July 1, 1973.

The Department of General Services developed the specifications for this job related occupational disease and injury coverage. Competitive bids were received. **Western Life Insurance Co. (one of The St. Paul Companies), St. Paul, Minnesota, was awarded the insurance contract through Alexander and Alexander Company Portland, Oregon.**

In addition to providing the required coverage, **an option is available** for each police officer, firefighter, or volunteer firefighter to expand the job related occupational disease and injury death benefits to full **Group Term Life Insurance**. In addition, **an option** to purchase **Dependents Life Insurance** is also available. The additional premium for these coverages will be paid by the employee through the public employer.

**Check with your local department** to find out what insurance plan you are eligible to receive benefits from.

## **The Public Safety Memorial Fund Board**

Established October 24, 1999, the Board may award benefits to the spouse or designee and dependents of a public safety officer killed in the line of duty in an amount sufficient to allow the eligible recipients to purchase health and dental insurance comparable to that provided by the public safety officer. The benefit for the spouse or designee will continue for five years or until the spouse or designee (re)marries, whichever occurs first. The benefits for dependents will continue until the age of 18 or, if the dependent is attending school, until the age of 23. **Contact the Department of Public Safety Standards and Training, at (547) 687-7416 or toll free at (800) 452-8807 ext. 7416.**

## **MORTGAGE BENEFIT**

Established October 24, 1999, the Public Safety Memorial Fund Board may award to the spouse or designee of a public safety officer killed in the line of duty an amount up to the equivalent of 12 monthly mortgage payments on the residence of the spouse or designee if

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there is no mortgage insurance to cover the cost. **Contact the Department of Public Safety Standards and Training, (547) 687-7416 or toll free at (800) 452-8807 ext. 7416.**

## **WORKERS' COMPENSATION**

Workers' Compensation coverage is compulsory for employers in Oregon.

The maximum weekly benefit ranges from **\$319.38 to \$638.58** according to the number of dependents. Spouse receives **\$150 a month per child for each of two children, and \$50 a month for each additional child**, subject to the monthly maximum benefit. Maximum burial allowance is **\$3,000**.

Two-year lump sum payable to the spouse upon **remarriage and weekly benefits cease**. Children receive benefits until **age 18 or beyond age 18 if disabled, or until age 23 if full-time students**. **If the surviving spouse dies before all children are age 18, child(ren) under 18 receives \$400 a month until age 18.**

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.

**Contact the Workers' Compensation Division, at (503) 598-7377 or toll free (888) 320-7377.**

## **PERSONAL LIFE POLICIES**

Prior to 9-27-87, net estate passes **half** to surviving spouse, **half** to issue by representation. Effective 9-27-87 if all surviving issue are also issue of surviving spouse, **all to spouse**. If all surviving issue are not also issue of spouse, half to spouse, half to issue by representation. If no issue all to spouse, and vice versa. If no spouse or issue, estate descends in following order: Surviving parents; brothers and sisters equally if of equal degree of kinship, if no surviving brother or sister issue of brothers and sisters equally if of equal degree of kinship, by representation if not.

Taking by "representation" accomplished as follows: Estate divided into **equal shares** for surviving heirs of nearest degree of heirship and deceased persons of same degree with surviving issue, each surviving heir of nearest degree receiving one share and share of deceased person of same degree being decided among such person's issue in same manner.

If married, surviving parents or grandparents take as tenants by entirety (as to real property) or joint tenants with right of survivorship (as to personal property); otherwise as tenants in common.

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## **ADDITIONAL BENEFITS**

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. COPS has become a “lifeline” to police survivors nationwide. **Contact the COPS National Office or visit [www.nationalcops.org/chap.htm](http://www.nationalcops.org/chap.htm) for information on a chapter in your area.**

## **Oregon Peace Officers Association**

All active and associate members in good standing are eligible to receive a \$500 death benefit to be paid to their designated beneficiary upon their death. The OPOA has a memorial fund set up that provides an additional \$500 to the family of Oregon Peace Officers killed in the line of duty (including officers who are not OPOA members). For more information visit [www.opoa.info](http://www.opoa.info) or call (503) 393-9237.

### **\*\*PORTLAND OFFICERS ONLY\*\***

The Bureau of Fire and Police Disability and Retirement administers disability, death and retirement benefits to Portland firefighters, police officers and their survivors. Contact The Harrison Square Building 1800 SW First Ave, Suite 450, Portland, OR 97201 or by phone at (503) 823-6823 or toll free (800) 773-5744.

## **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](http://www.dignitymemorial.com) and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.

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