



## STATE OF VERMONT

### 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

*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 Bureau of Vital Records, 108 Cherry ST, Burlington, VT 05401. (802) 863-7275.**

The information that follows pertains to **Vermont State Trooper** benefits only. Data for local police officers must be provided by the local police or sheriff's agency.

## **STATE DEATH BENEFITS**

A one-time line-of-duty death benefit is payable to the beneficiaries of all sworn personnel from the **Vermont Department of Public Safety**. Reserve officers and auxiliary troopers are eligible for Workers' Compensation death benefits only. The beneficiaries of a sworn law enforcement officer are eligible to receive **\$50,000**.

**For additional information or to find out about specific eligibility requirements, contact the Vermont State Police, Office of the State Treasurer, 109 State ST 4<sup>th</sup> Floor, Montpelier, VT 05609. (802) 828-2301.**

## **STATE PENSION BENEFITS**

The benefit payable to your spouse is 70% of the benefit you would have received (without reduction) if you have retired on the date of your death. There is an additional benefit payable which is equal to 10% of AFC for each dependent child (up to 3 children). The additional benefit is payable until the child reaches age 18, or age 23 if a dependent student. These benefits are reduced by any Social Security benefit payable. If your death is due to a work-related injury, there is no eligibility requirement and your spouse will receive a minimum benefit of 35% of your AFC, in addition to the dependent children's benefits. If you have no spouse, benefits up to the amount that a spouse would have received will be divided among your dependent children and parents.

### **Other**

If you do not meet the eligibility requirements for a survivor benefit or do not have a dependent beneficiary, the lump sum value of your contributions and interest will be paid to your designated beneficiary or your estate.

## **ACCIDENTAL AND OCCUPATIONALLY RELATED DEATH BENEFIT**

If a trooper **dies before retirement** as the result of an accident occurring at a definite time and place during the course of performance of duty, a **lifetime retirement allowance shall be**

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**paid to the beneficiary.** The benefit payable shall be equal to **25%** of average final compensation at the time of death or Automatic Survivor's Benefit, whichever is greater.

**Contact the Office of the State Treasurer, 109 State ST, 4<sup>th</sup> Floor, Montpelier, VT 05609. (802) 828-2301.**

## **EDUCATION BENEFITS**

**No educational benefits currently exist.**

## **HEALTH BENEFITS**

Health and Dental coverage **normally terminates**, but can be continued under COBRA with the **beneficiary paying the full premium.**

## **WORKERS' COMPENSATION**

Workers' Compensation coverage is compulsory for employers in Vermont; however, waivers are allowed.

Benefit is **66 2/3%** of employee's wage for a spouse only and **76 2/3%** for a spouse with child(ren) with a **maximum weekly benefit of \$1,119.00.** Burial allowance is allowed.

Spouse receives benefits **until age 62 or remarriage.** Children receive benefits until **age 18 or beyond age 18 if disabled or if full-time students.**

File the "First Report of Injury" form **within the required 72 hours.** Departments with an outside insurance carrier must, of course, also file a claim with the carrier.

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 of the State Department of Labor and Industry, 5 Green Mountain DR, PO Box 488, Montpelier, VT 05601. (802) 828-4000.**

## **PERSONAL LIFE POLICIES**



The amount of life insurance for an insured employee shall be an amount equal to **two times current salary, but not less than \$20,000**. The word salary as used herein shall be constructed to mean a employee's base salary exclusive of any and all other compensation. Automatic adjustments in coverage amounts and premium costs charged shall be made to coincide with salary increases or decreases.

**Descent and Distribution:** Subject to dower, curtesy, and other rights of surviving spouse, real estate descends and personalty is distributed as follows; each class of which a member is living taking to exclusion of subsequent classes:

- (1) children and/or issue of deceased children, per capita if all of same degree of kindred to decedent, otherwise per stripes;
- (2) parents equally or all to surviving parent;
- (3) brothers and sisters and/or issue of deceased brothers and sisters, per capita if all of same degree of kindred to decedent, otherwise per stripes;
- (4) next of kin of equal degree, with no right of representation in issue of deceased next of kin.

**Heir who intentionally kills decedent forfeits all rights to inherit.**

**Surviving Spouse** - With respect to personalty, the surviving spouse is entitled to all the decedent's articles of wearing apparel and ornament and such other part of the decedent's personal estate as probate court assigns, which may not be less than one-third after payment of debts, funeral charges and expenses of administration.

**As to real estate, one-third of same;** provided, if decedent left only one heir surviving and such heir is the issue of surviving spouse or heir by adoption of decedent and surviving spouse, latter takes one-half; this being statutory share in lieu of dower or curtesy.

**As to real and personal estate,** where decedent leaves no issue and surviving spouse is not barred by accepting testamentary provision in lieu of dower or curtesy or where surviving spouse does not elect to take statutory interest in lieu of dower or curtesy (as to real estate), surviving spouse is entitled to whole of estate not otherwise distributed in accordance with law, up to \$25,000, and one-half remainder.

## **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.**

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## **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.