



Ohio Public Safety Officers
Death Benefit Fund

In 1976, the 111th General Assembly established the Ohio Public Safety Officers Death Benefit Fund to provide special benefits to eligible survivors of public safety officers who are killed in the line of duty or who die of injuries or diseases incurred in the performance of official duties. The benefit is administered by the Ohio Police & Fire Pension Fund (OP&F) and is financed through legislative appropriations and gifts.

This publication summarizes the most important provisions of the governing law and administrative rules related to the Ohio Public Safety Officers Death Benefit Fund. This summary cannot sufficiently represent all of the details applicable to this guide. Nothing contained in this summary is meant to interpret, extend or change, in any way, the governing statute, administrative rules or policies. As a result, your rights can only be determined by the provisions of OP&F's governing documents, which are subject to change.

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Covered causes of death

Survivors may be eligible for the Ohio Public Safety Officers Death Benefit Fund if the qualifying public safety officer's death is attributable to any of the following:

- an injury or disease incurred as a result of the performance of duty;
- death from an injury sustained in the line of duty, including suicide that can be attributed to an on-duty incident, cancers that can be attributed to injury or incident while in the performance of duty, or pulmonary disease that can be attributed to an on-duty incident;
- heart disease, with fatal attack while in the performance of duty; or
- heart disease while off-duty, if the fatal attack can be attributed to an incident while in the performance of duty. For example, if the decedent had been awarded a disability benefit, and later dies due to an on-duty disabling condition, the eligible survivors may qualify for the benefit.

Covered full–time positions

The survivors of the Ohio public safety officers who served in the following positions may be eligible to receive the Ohio Public Safety Officers Death Benefit Fund:

- Members of the Ohio Police & Fire Pension Fund (OP&F) and local police and fire funds prior to 1967. Almost all full–time Ohio municipal police officers and full–time municipal and township firefighters are eligible. In addition, in 2002, Ohio expanded the eligibility of this benefit to the surviving spouses of former members of or contributors to a local police or fire fund established under former Chapters 521 or 741 of the Ohio Revised Code whose benefits had been terminated or not paid by the local fund due to their remarriage.
- Members of the Ohio State Highway Patrol Retirement System who are sworn law enforcement officers.
- Members of the Cincinnati Retirement System who are employed as full–time law enforcement officers of parks, waterway lands, or reservoir lands under the management of the City of Cincinnati.
- Members of the Ohio Public Employees Retirement System who are employed in full–time positions as:
 - correction officers employed in the security forces of institutions under the management of the Department of Rehabilitation and Correction;
 - law enforcement officers employed by state universities;
 - sheriffs and sheriffs’ deputies;
 - county municipal and township firefighters and police officers;
 - park district rangers or patrol troopers;*
 - law enforcement officers such as forest officers, park officers and state water craft officers of the Department of Natural Resources;*
 - law enforcement officers of a conservancy district;*
 - full–time Department of Public Safety Enforcement agent, including Liquor Control investigators employed by Department of Liquor Control** and Food Stamp trafficking agent;***
 - law enforcement officers of parks, waterway lands, or reservoir lands under the management of a municipal corporation;*
 - correction officers at institutions under the management of a county, group of counties or municipal corporation;*
 - regular firefighters employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision;
 - investigator; or
 - drug agent.

* No benefits are payable to any surviving spouse and/or children unless the public safety officer employed in this position died on or after April 9, 1981.

No benefits are payable to a surviving parent unless the public safety officer died on or after January 1, 1980.

** No benefits are payable to any survivor unless the public safety officer employed in this position was a full–time liquor control investigator employed in this position and died on or after December 23, 1986.

*** No benefits are payable to any survivor unless the food stamp trafficking agent employed in this position died on or after July 1, 1999.

Eligible survivors

The following survivors of a covered public safety officer whose death is ruled to be duty–related are eligible for benefits:

- The spouse unless he or she failed to exercise the right to a survivor benefit or Pre–Retirement Survivor Annuity.
- Unmarried children under age 18.
- Unmarried children between the ages of 18 and 22 who are students attending an educational institution. The student must be enrolled for at least two–thirds of the minimum number of credit hours required to be considered a full–time student by the institution, and must be in a course of study designed for at least one school year of full–time study or its equivalent in part–time study, subject to certain limitations. The OP&F Board of Trustees’ rule defines full–time curriculum requirements to be at least 12 hours. An educational institution includes high school, vocational or trade school, and college or university. The benefit terminates if the student dies, marries, or is no longer enrolled in a qualified program of instruction or is no longer a full–time student. OP&F will, however, pay benefits through the vacation period, which is considered to be four months. Students who take more than four months off will not be eligible for a benefit for the extra time off. Please note that students must complete additional forms that will be sent upon receipt of the *Ohio Public Safety Officers Death Benefit Fund Application* and must regularly complete these forms in order to continue receiving benefits.
- A surviving child of any age who is mentally or physically disabled so that the child was totally dependent on the public safety officer for support at the time of the public safety officer’s death. To be considered totally dependent, the child must have met at least one of the following criteria at the time of the public safety officer’s death:
 - a mentally or physically disabling condition and who was claimed as an exemption for federal income tax return purposes for the year preceding the public safety officer’s death;
 - is determined disabled by a court of competent jurisdiction;
 - attends an adult workshop or mental retardation and developmental disabilities school; or
 - has a mental or physical disability and is incapable of earning at least \$16,000 annually as determined by a recommendation from the OP&F disability evaluation physician and vocational advisor.
- Dependent parent(s) if, and only if, the public safety officer had died on or after January 1, 1980, and was not survived by a spouse or child.

Redistribution of death benefit funds

When any recipient of the Ohio Public Safety Officers Death Benefit Fund becomes ineligible for the benefits, that benefit portion is then redistributed among the remaining eligible survivors.

Benefits paid before the public safety officer's retirement eligibility date

If a public safety officer had not qualified for an age and service retirement under the provisions of his or her respective retirement system upon death, then the public safety officer's eligible survivors, as a group, receive his or her base pay. The base pay is the salary authorized by ordinance, statute or contract for the position held by the public safety officer minus an amount equal to the benefits payable by OP&F (including Pre-Retirement Survivor Annuity Benefits and statutory benefits), Ohio Public Employees Retirement System, State Highway Patrol Retirement System, or Cincinnati Retirement System.

Whenever there is an increase in the deceased public safety officer's base pay, the benefits payable to survivors are increased accordingly. Should the normal survivor benefits be increased, the Ohio Public Safety Officers Death Benefit Fund is reduced by the amount of the increase by any Ohio retirement system. If a benefit recipient receives a monthly survivor benefit from a public retirement system, including Ohio Public Employees Retirement System, Highway Patrol or Cincinnati Retirement System, he or she needs to notify OP&F of any increased benefits to avoid over payment.

If a public safety officer qualified for an age and service retirement under the provisions of his or her respective retirement system upon death, please see the section "Benefits paid after the public safety officer's retirement eligibility date" on Page 7.

Distribution

The law provides for the division of the public safety officer's monthly base pay, figured prior to his or her eligible retirement date, among eligible survivors according to the following rules:

- a surviving spouse with no eligible children receives the full base pay;
- a surviving spouse with one eligible child receives half of the base pay while the other half goes to the child;
- a surviving spouse with two or more eligible children receives 1/3 of the base pay while the remaining 2/3 is divided equally between the children;
- no surviving spouse, but a surviving child who is eligible receives the full base pay; or
- surviving children who are eligible receive the full base pay divided equally.

The initial distribution of the benefit is based on the eligibility of survivors at the time of death. For benefits paid after the public safety officer's retirement eligibility date, please see Page 7.

Termination of benefits

The benefits payable under the Ohio Public Safety Officers Death Benefit Fund terminate on the date the public safety officer would have qualified for age and service retirement, but their survivor may be eligible for transitional benefits. On that date, survivors will continue to receive any statutory survivor benefits under the pension fund or retirement system for which they are eligible.

Any of the following occurrences result in the earlier termination of an individual's benefits from the Ohio Public Safety Officers Death Benefit Fund:

- death of the individual;
- if the individual is over eighteen years of age and ceases to be enrolled full-time in an accredited educational institution;
- the dependent disabled child recovers from their disability; or
- the child, under the age of twenty-two, marries.

•• Benefits paid after the public safety officer's retirement eligibility date

Surviving spouse

On the date the public safety officer would have qualified for age and service retirement or if the public safety officer had been eligible for retirement on the date of death, the spouse qualifies for a transitional Ohio Public Safety Officers Death Benefit Fund. The monthly benefit equals 50 percent of the monthly base pay for the public safety officer's position on either the date:

- he or she would have been eligible to retire; or
- of his or her death if they had been eligible to retire on the date of their death.

The benefit is then reduced by the amount of any Pre-Retirement Survivor Annuity paid to an OP&F spouse whether by OP&F or another retirement system, including the Ohio Public Employees Retirement System, Highway Patrol or Cincinnati Retirement System. This benefit terminates only upon the surviving spouse's death.

Children/students

If a spouse does not survive the decedent or if the surviving spouse had died prior to the public safety officer's retirement eligibility date, then a minor child or student might still qualify for the Ohio Public Safety Officers Death Benefit Fund. Please refer to the "Eligible survivors" section on Page 4 for more information.

The monthly benefit payable to each child or student is an equal share of 50 percent of the monthly base pay for the public safety officer's position in effect on the date they would have been eligible to retire or on the date of their death if they would have been eligible to retire, divided by the number of eligible children. An individual benefit would be reduced by the amount of any OP&F Pre-Retirement Survivor Annuity received by that recipient. As each child or student loses his or her eligibility, that portion of the total benefit is then redistributed among the remaining eligible survivors.

Application and payment

How to apply

To apply for the Ohio Public Safety Officers Death Benefit Fund, please contact OP&F's Customer Service to request an application. Along with the completed application, OP&F requires a copy of the solemnized marriage certificate, death certificate, birth certificate for each eligible child, and evidence that the public safety officer's death was the result of performance of official duties. If applicant is a legal guardian, please provide supporting court documentation showing applicant's appointment as guardian. OP&F may also require department certification and other documentation.

Surviving spouses of former members of, or contributors to, a local fund established under former Chapters 521 or 741 of the Ohio Revised Code whose benefits had been terminated or not paid due to their remarriage are also required to provide OP&F with an affidavit signed by an independent third party and notarized before a notary public. The affidavit must certify that the decedent identified in the surviving spouse's application was a former member of, or contributor, to a police or fire fund established under former Chapter 521 or 741 of the Revised Code.

Once OP&F receives the application and supporting documentation, the application will be reviewed by the Disability Evaluation Panel consisting of the OP&F Board of Trustees' Disability Committee and expert physicians. This group of individuals meet once a month to review applications for the Ohio Public Safety Officers Death Benefit Fund and to prepare written recommendations for action by the full Board of Trustees. From the date an application is filed with OP&F, it may take several months before OP&F's Board of Trustees examines the application.

Payment effective dates

If the OP&F Board of Trustees approves the application, the effective date of benefits is the first day of the month following the month in which the death occurred. The only exception is for benefits for the surviving spouses of former members of or contributors to a local fund established under former Chapters 521 or 741 of the Ohio Revised Code whose benefits had been terminated or not paid due to their remarriage. These benefits will be effective on the first day of the month following OP&F's receipt of the application and appropriate supporting evidence. Eligible survivors, with few exceptions, will receive two checks monthly: one from the Ohio Public Safety Officers Death Benefit Fund and one from the public safety officer's pension fund or retirement system. Benefits are paid the first of each month for that month.

Reconsideration of denials

In the event the OP&F Board of Trustees denies an application for benefits, up to two requests for reconsideration can be made. In order to be reconsidered, however, new evidence supporting eligibility for these benefits must be made. The Board will review the request(s) for reconsideration in the same manner as the initial application for benefits.



**Ohio
Police
Fire Fund**

140 East Town Street
Columbus, Ohio 43215

Customer Service: 888-864-8363

General Information: (614) 228-2975

TTY: (614) 221-3846

Facsimile: (614) 628-1777

E-mail: questions@op-f.org

www.op-f.org

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