

KENTUCKY

DEATH BENEFITS AVAILABLE TO THE SURVIVING FAMILIES OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY



To obtain certified copies of registered personal documents, contact the Bureau of Vital Statistics: Submit written request to 275 E Main ST 1E-A , Frankfort, KY 40621. Office: (502) 564-4212. www.chfs.ky.gov

STATE DEATH BENEFITS

K.R.S. 61-315

1. Mandatory if death is direct result of act in the line of duty.
2. Covers all "police officers"
 - a. "Police Officer" - every paid police officer, sheriff, or deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any auxiliary police officer appointed pursuant to KRS 95.445, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, or by the state.
3. Lump sum payment of \$80,000 if death occurs on or after July 1, 2002 (from State Treasurer).
 - a. To surviving spouse, if no surviving child.
 - b. To surviving children and a surviving spouse, the payment shall be apportioned equally among the surviving children and the spouse.
 - c. If no surviving spouse, the payment shall be made to the surviving children, eighteen (18) or more years of age.
 - d. For surviving children less than eighteen (18) years of age,
 - (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children.
 - (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts at appropriate interest rates for each surviving child until the child reaches the age of eighteen (18) years.
4. Payment in addition to any retirement/benefit fund benefits.

K.R.S. 346.155

1. Discretionary payment if killed in the line of duty.
2. Covers only those officers in cities, counties, and urban counties who are ineligible for death benefits under pension plan.
3. Lump sum to family of \$25,000 (From Crime Victims Comp. Bd.)
4. For those killed after 1/1/86.

95.570 FUNERAL BENEFIT

When an active or retired member of the police or fire department, in cities of the third class, dies under the conditions set out in paragraph (c) of subsection (1) of KRS 95.550, the board of trustees of the pension fund may pay from the fund to the widow, widower or family a sum of not more than two hundred dollars (\$200) for funeral expenses.

EDUCATIONAL BENEFITS

164.2841.FREE TUITION AT STATE-SUPPORTED SCHOOL FOR SURVIVOR OF POLICE OFFICER, FIRE FIGHTER, OR VOLUNTEER FIREFIGHTER KILLED IN LINE OF DUTY - LIMITATION.

- (1) Any person whose parent or any non-married widow or widower whose spouse was a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, or volunteer firefighter and who was killed while in active service or who died as a result of a service-connected disability shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution. The provisions of this subsection shall apply to any firefighter or volunteer firefighter who is killed or dies under the conditions covered in this subsection on July 1, 1989, or thereafter.
- (2) In order to obtain the benefits conferred by subsection (1) of this section, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of the Kentucky Justice Cabinet, the appropriate city or county law enforcement agency which employed the deceased, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.

- (3) If one so admitted to a state-supported university, community college, or vocational training institution under the provisions of this section shall have obtained a cash scholarship paid or payable to the institution, from whatever source, the amount of the scholarship shall be applied to the credit of the applicant in the payment of incidental expenses of his attendance at the institution, and any balance, if the terms of the scholarship permit, shall be returned to the applicant.

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in Kentucky; however some waivers are allowed. **Mandatory payment** if death occurs as direct result of work-related injury.

Payment as follows:

- Surviving spouse and no surviving children.
 - Average weekly wage.
 - Discontinued upon death or remarriage.
- Surviving spouse and surviving children.
 - Surviving spouse - 45% average weekly wage.
 - Additional 15% for each surviving child until 18 (or 22 or quits college, if in college).
 - Average weekly wage limit.
- Two years indemnity benefits in one lump sum to surviving spouse if remarries.
- If no surviving spouse, but surviving children.
 - Average weekly wage for one surviving child.
 - Average weekly wage for each additional surviving child (divided equally).
 - Average weekly wage limit.
- To each "dependent" parent, 25% average weekly wage until death/independence.
- To "dependent" brothers, sisters, grandparents, grandchildren - 25% average weekly wage each such dependent.
 - If more than one of any of above - split 25% equally.
 - Until death/majority/marriage/ or independence.
- If no Statutory Dependents as above:
 - Lump sum of \$10,000 to estate.
 - Reduced by income benefits received.
- Mandatory reimbursement of burial expenses not to exceed \$4,000.
- Be aware of K.R.S. 95.860 for second class city police officers.

For more information contact the Kentucky Department of Workers' Claims, 657 Chamberlin Avenue, Frankfort, Kentucky 40601. Office: (502) 564-5550.

www.labor.ky.gov

HEALTH BENEFITS

Health benefits vary depending upon police department benefits. Spouses of state and county officers may elect to continue to participate in the same benefit program in effect at the time of the officer's death. Contact the Benefits Coordinator at your agency.

RETIREMENT/PENSION

Individual cities and municipalities are responsible for providing retirement and pension plans for law enforcement officers. Contact your local agency's Benefits Assistance Officer.

95.624 Pensions -- Service retirement -- Disability pensions -- Survivor's benefits -- Increase in benefits -- Health insurance for retirees.

(1) In cities of the third class, any member of the police or fire department having served twenty (20) years or longer in the police or fire department may petition the board of trustees for retirement; and if his petition is granted, the board may order paid to him monthly fifty percent (50%) of his monthly salary at the time of retirement. If this petition for retirement is denied, any policeman or firefighter has the right of appeal in accordance with the Rules of Civil Procedure.

(2) The pension payable for periods of service between twenty (20) and twenty-five (25) years shall be fifty percent (50%) of salary plus two percent (2%) of salary for each year in excess of twenty (20). The pension payable for twenty-five (25) years of service shall be sixty percent (60%) of salary. The pension payable for periods of service between twenty-five (25) and thirty (30) years shall be sixty percent (60%) of salary plus three percent (3%) of salary for each year in excess of twenty-five (25). The pension payable for thirty (30) years of service shall be seventy-five percent (75%) of salary.

(3) The pensions or benefits paid for disability or death from the policemen's and firefighter's pension fund in cities of the third class shall be as follows:

(a) If any member of the police and fire department becomes temporarily totally disabled, physically or mentally, the board of trustees of the pension fund shall order paid to him monthly, during his disability, until he has recovered and returned to active duty, a sum of not more than one-half (1/2) his salary per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period.

(b) If any member of the police or fire department becomes permanently disabled, physically or mentally, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and

order paid to him monthly fifty percent (50%) of his monthly salary at the time of his retirement.

(c) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in the service from any cause as a result of his service in the department, or dies in service or while on the retired list from any cause after one (1) year of service in the department and leaves a widow or a child under eighteen (18) years of age, the board of trustees shall order a pension paid to the widow, while unmarried, of one-half (1/2) of salary per month and for each child until it reaches the age of eighteen (18) years, twenty-four dollars (\$24) per month. The board may provide a minimum benefit of no more than four hundred dollars (\$400) per month, initially, to the surviving spouse if the benefit can be supported on an actuarially-sound basis by the fund. The board may increase the minimum benefit pursuant to the terms of subsection (4) of this section. If the deceased member was unmarried and childless, a pension shall be paid to his dependent father and mother of one-fourth (1/4) of salary per month. If one (1) parent is dead, the other shall receive the entire one-fourth (1/4) salary.

(4) In order to adjust retirement benefits to the purchasing power of the dollar, the board shall if it is actuarially feasible annually order an increase in benefits paid pursuant to this section. The board shall if it is actuarially feasible order an increase in benefits by an amount equal to the increase in the cost-of-living increase for a recipient of Social Security, but the annual increase shall not exceed five percent (5%).

(5) The board may provide a group hospital and medical insurance plan for retirees and their spouses who have not reached the age to qualify for federal Medicare, if providing insurance will not jeopardize the capacity of the board to pay retirement and survivor benefits. No insurance shall be provided for persons who are entitled to Medicare benefits or are receiving Medicare benefits, except that supplemental health insurance may be provided to those retirees and their spouses who are entitled to Medicare benefits or are receiving Medicare benefits if providing the supplemental health insurance will not jeopardize the capacity of the board to pay other existing retirement and survivor benefits.

Effective: January 1, 2015

History: Amended 2014 Ky. Acts ch. 92, sec 135 effective January 1, 2015. -- Amended 2008 Ky. Acts ch. 65, sec. 1, effective July 15, 2008. -- Amended 1998 Ky. Acts ch. 260, sec. 4, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 109, sec. 2, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 50, sec. 5, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 118, sec. 2, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 90, sec. 4,

effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 164, sec. 31, effective June 17, 1978.
-- Created 1966 Ky. Acts ch. 8, secs. 4 and 5.

CITY POLICE AND FIRE DEPARTMENTS

Cities of the first class, cities of the second class, cities of the third class, cities of the fourth class, cities of the fifth class.

The legislative body in a city of the **first class** shall issue the appropriate order, pursuant to KRS 78.530(1), directing participation for policemen in the county employees retirement system. All new employees who would have been granted membership in the local policemen's pension system shall be members of the county employees retirement system. All active members of the local policemen's pension system at the time of transition to members of the local policemen's pension system at the time of transition to the county employees retirement system **may choose membership** in the county employees retirement system or may retain membership in the local system. The city shall elect the alternate participation plan, pursuant to KRS 78.530(3), for policemen who transfer to the county employees retirement system pursuant to this section shall be granted hazardous duty coverage, and the city may, at its option, purchase accumulated sick leave for each policeman upon retirement pursuant to KRS 78.616.

95.624 PENSIONS - SURVIVOR'S BENEFITS - INCREASE IN BENEFITS

If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in service from any cause as a result of his service in the department, or dies in service or while on retired list from any cause **after one (1) year** of service in the department and leaves a **widow or a child under eighteen (18)** years of age, the board of trustees shall order a pension paid to the widow, while unmarried, of **one-half (1/2) of salary per month** and for each child until it reaches the age of eighteen (18) years, **twenty-four (\$24) per month**. If the deceased member was unmarried and childless, a pension shall be paid to his **dependent father and mother** of one-fourth (1/4) of salary per month. If one (1) parent is dead, the other shall receive the entire one-fourth (1/4) salary.

In order to adjust retirement benefits to the purchasing power of the dollar, the board may annually order an increase in benefits paid pursuant to this section. The board may order an increase in benefits by any amount up to the increase in the consumer price index calculated pursuant to KRS 64.527, but **in no case shall the annual increase exceed five percent (5%)**.

95.860 DEATH OF MEMBER DUE TO OCCUPATIONAL CAUSES - BENEFITS TO SURVIVING WIDOW, MINOR CHILDREN, PARENTS - REDUCTION OF SURVIVOR BENEFITS - COST-OF-LIVING INCREASES

- (1) Upon the death of a member due to occupational causes, regardless of length of service, his surviving widow shall be entitled immediately upon cessation of salary or annuity, as the case may be, to an annuity equal to **fifty percent (50%) of the member's last rate of salary**. This annuity shall be payable until **he/she dies**. No surviving widow shall receive an annuity of **less than one hundred and fifty dollars (\$150) per month**. When Social Security benefits are increased, the **minimum shall be increased** by a like percentage, provided the increase shall not exceed five percent (5%). **In addition**, if minor children under age 18 survive the member, the widow shall receive twenty-five percent (25%) of the member's last rate of salary until the last child attains the age of 18. The combined payments to a widow and minor children, excluding cost-of-living increases, shall **not exceed seventy-five percent (75%) of his final rate of salary**.
- (2) If a widow does not survive the member, and minor children under age eighteen (18) exist, **the children shall be entitled to the benefits provided in KRS 95.861(3)**.
- (3) If neither a widow nor minor children eligible for benefits survive the member, **each dependent parent** shall be entitled to an annuity equal to twenty-five percent (25%) of the member's last rate of salary, or 50% to both parents.
- (4) If a widow would receive from a combination of: (a) survivor benefits pursuant to this section, excluding benefits for minor children, and (b) workers' compensation benefits, excluding dependent children's allowances or payments for medical expenses or legal fees related to the workers' compensation claim, **an amount greater than one hundred percent (100%) of the deceased member's last rate of salary, then the pension system survivor benefits shall be reduced to the point that the combined payments equal one hundred percent (100%) of the last rate of salary**. The survivor benefits **shall not be reduced**, however, below an amount equal to **two and one-half percent (2 1/2%)** of average salary for each year of the deceased member's service. Any reduction in the survivor payment shall be based upon workers' compensation benefits

applicable at the time the survivor payment is granted, and not upon subsequent increases in either benefit. **If workers' compensation benefits are reduced at a subsequent time, the surviving spouse shall inform the board, and the board shall increase the survivor's benefit by the amount of reductions, but not by more than an amount which would increase the survivor's benefit to fifty percent (50%)** of last rate of salary, excluding cost-of-living increases. The board of trustees may pay an estimated benefit to a surviving spouse upon qualification for the benefits, based upon an estimate of workers' compensation benefits until such amounts are actually determined at which time a final calculation of the spouse's actual benefits shall be determined and the account compensation benefits are paid in lump sums, **the board shall reduce the survivor benefit on a monthly reduction based upon the life expectancy of the survivor.** The board may request the assistance of the general manager of Kentucky retirement systems to calculate the reduction in survivor benefits when lump-sum payments are involved, and the general manager shall provide such assistance upon request.

- (5) A surviving child or parent receiving benefits pursuant to this section shall receive **the same cost-of-living increase** granted to retirees pursuant to KRS 95.859(3). A surviving spouse who does not receive an increase pursuant to subsection (1) of this section shall receive the same increase an annuitant receives pursuant to KR 95.859(3).

95.865. DEATH OF MEMBER - NO WIDOW'S OR CHILDREN'S ANNUITIES PAYABLE - BENEFIT TO DESIGNATED BENEFICIARY

- (1) Upon death of a member occurring while in active service, if no widow's annuity or children's annuities are payable, the designated beneficiary of the member or his estate shall be entitled to a **death benefit equal to the total contributions made by the member**, including those employee contributions picked up by the employer pursuant to KRS 65.155, without interest, or three hundred dollars (\$300), **whichever is greater.**

ADDITIONAL BENEFITS

PEER SUPPORT ORGANIZATION

Established in 1984, Concerns of Police Survivors, Inc., (C.O.P.S.), 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. C.O.P.S. has become a "lifeline" to police survivors nationwide. **Contact the C.O.P.S. National Office (800) 784-2611 or visit www.nationalcops.org/chap.htm for information on a chapter in your area.**

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 and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.

Wilbert Funeral Services, Inc. provides complimentary burial vaults and related services for fallen law enforcement officers. For more information visit www.wilbert.com or call (888) WILBERT.



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