



STATE OF TENNESSEE

DEATH BENEFIT

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.



To obtain certified copies of registered personal documents, contact Vital Records, Cordell Hull Building, 425 5th Avenue North, Nashville, TN 37243, phone (615) 741-1763.

STATE DEATH BENEFIT

Effective July 1, 2006, Tennessee pays a one-time death benefit of \$25,000 to the estate of any law enforcement officer killed in the line of duty.

SECTION 2. Tennessee Code Annotated, Title 7, Chapter 51, Part 2, is amended by adding the following language as a new, appropriately designated section:

(a) For the purposes of this section, unless the context otherwise requires:

(1) "In the line of duty" means in the course of employment and in the actual discharge of the duties of the position; and

(2) "Law enforcement officer" means the sheriff, sheriff's deputies or any police officer employed by a municipality or political subdivision of the State of Tennessee whose primary responsibility is the prevention and detection of crime and the apprehension of offenders.

(b) The estate of any law enforcement officer who is killed in the line of duty shall be entitled to receive the sum of twenty-five thousand dollars (\$25,000). Payment shall be made from the general fund after receipt by the Department of Finance and Administration of a certified death certificate and an affidavit from the decedent's employer that the decedent was killed in the line of duty.

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it.

STATE PENSION BENEFITS

There are **several retirement options** available to **Tennessee state** law enforcement officers.

Death Benefits: Upon the death of a member prior to retirement, his accumulated contributions and interest **may be paid** to his beneficiary or his estate. If the member was in

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service within 120 days before his death and had not retired, his beneficiary will receive an additional amount equal to his accumulated contributions.

In lieu of a refund the beneficiary **may be entitled** to receive a monthly retirement allowance provided the member was **age 55 with 25 years of service** at the time of his death and had filed an **in-service option** with the retirement system. If the above service and age requirements were not met by the member at the time of his death but the member had **10 years of service**, the surviving spouse may be eligible for a monthly benefit if designated as the beneficiary, provided the automatic death benefit **has been authorized** by the member's political subdivision.

Group I State Employees: Survivor Benefits

The beneficiary of an active member who dies prior to retirement may be entitled to **one of four survivor benefits** described in this section. The type of benefit payable would be determined by who is named as beneficiary and by your age and length of service. Any annuity benefits payable **may be reduced** by the early retirement reduction factor and/or the appropriate option factor.

One of the most important decisions you are asked to make as a new member of the retirement system is to **name a beneficiary**. In deciding who to name, you should consider the system's survivor benefit provisions in light of your circumstances. For example, if you are married, if you are not eligible for retirement, and if you have never made contribution to the retirement system, you should **name your spouse** as your only beneficiary. It is very important that you keep your **Tennessee Consolidated Retirement System (TCRS)** beneficiary designation current throughout your career. Situations such as divorce, remarriage, or death **do not** automatically change your beneficiary. You may change your TCRS beneficiary at any time by submitting a notarized **Change of Beneficiary form to TCRS**.

***Lump Sum Refund**

If you have made a payment to TCRS to establish credit for a period of prior service, any beneficiary you have named would be entitled to a refund of that amount **plus interest**. If you were in service at the time of death, the beneficiary would also receive a **matching amount** from the system.

***Line-of-Duty Benefit**

If your spouse or your minor children are named as your only beneficiary, your spouse or your children would receive a benefit equal to **52.5 percent** of your final average compensation if you should die as the result of an accident or physical violence occurring in the performance of your duties. If your spouse is named, this benefit would be paid to the spouse until his or her death or **remarriage**. If the

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named spouse dies or **remarries**, the benefit would then continue on to any minor children until they **reach 18**. If your minor children are named, this benefit would be paid to them until they **reach 18**. Line-of-duty benefits are **reduced** if the beneficiary receives a social security benefit or payments from the Board of Claims on behalf of the member.

***100 Percent Joint and Survivor Annuity for Spouse after 10 Years Service**

If your spouse is named as your **only beneficiary**, he or she would be entitled to receive a **100 percent** joint and survivor annuity if you should die in service after accruing **10 years or more** of service credit.

***100 Percent Joint and Survivor Annuity for Any Beneficiary after Reaching Early Retirement Eligibility**

When you reach the conditions for early retirement, you may file an **In-Service Option I form**. This provides a **100 percent** joint and survivor annuity for any one person you name as beneficiary.

Applying for Benefits: Before death benefits can begin, you or your surviving beneficiary **must complete an application** and submit it to TCRS. Applications are available from TCRS or from your employer. Any correspondence should include your social security number and your current address. **Mail correspondence to Tennessee Consolidated Retirement System, 10th Floor Andrew Jackson State Office Building, 502 Deaderick Street, Nashville, TN 37243 or phone (615) 253-6800.**

TCRS Offices

Account Services	(615) 741-5588
Benefits and Counseling	(615) 741-1971
Retired Payroll	(615) 741-4913
Refunds	(615) 741-4925

EDUCATION BENEFITS

THE DEPENDENT CHILDREN SCHOLARSHIP ACT

The Dependent Children Scholarship Act was established to provide aid for a **Tennessee resident who is a dependent child of a law enforcement officer**, fireman, or an emergency medical service technician who has been killed or totally and permanently disabled while **performing duties within the scope of such employment**. The scholarship may be awarded

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to full-time undergraduate students for a **maximum of four (4) academic years** or the period required for the completion of the program of study.

The **Tennessee Student Assistance Corporation** administers the program. Dependent surviving children may receive a scholarship **except** to the extent the dependent child receives educational benefits or scholarship aid from other sources. The corporation requires a dependent child to also apply to other government programs of student grant assistance for which, in the judgment of the corporation, the dependent child is eligible.

To apply, you must be accepted for admission in any institution in the state of Tennessee offering post-secondary vocation or undergraduate education that *has been authorized to enroll students receiving grants of financial assistance from the corporation under the Tennessee Student Assistance Program*. Applications must be accompanied by certain required paperwork from the institution.

To the extent funds are available; the corporation shall award a scholarship to any eligible applicant for full-time post-secondary undergraduate or vocational study at an eligible educational institution. *If funds are insufficient to provide scholarships to all eligible applicants, awards shall be based on the financial need of the student as determined by guidelines established by the corporation.* Except as provided by other scholarship or educational aid programs, **the scholarship award shall include tuition and other required fees and allowances for books, supplies, and room and board.**

The duration of a scholarship award shall be **four (4) academic years** of the period required for the completion of the appropriate course of study, whichever is less. Provided, **however**, a scholarship recipient enrolled in an undergraduate degree program which requires more than four (4) academic years for completion may apply to the corporation during the fourth year for an extension of the scholarship award to the fifth year, in which event duration of the award **shall not exceed five (5) years**. Payment of scholarships is made **directly to the recipient** in approximately equal installments at the beginning of each academic term upon receive by the corporation of evidence that the recipient is officially enrolled in an eligible educational institution.

Contact the Tennessee Student Assistance Corporation at 615-741-1346.

STATE EMPLOYEE BENEFIT

The state of Tennessee provides an **educational assistance benefit** for **children** of Tennessee **state law enforcement officers** killed in the line of duty. **Tuition is discounted 25%.** **Contact the personnel officer or the Tennessee Higher Education Commission at 404 James Robertson Parkway, Parkway Towers Suite 1510, Nashville, Tennessee 37243-0820 or phone (615) 741-6289.**

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HEALTH BENEFITS

Health benefits differ from agency to agency. Check with your **local department** to determine your eligibility to receive health benefits.

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers with 5 or more employees in Tennessee; however, waivers are allowed.

Benefit is **50%** of employee's wage for spouse and **66 2/3%** of employee's wages for spouse with child(ren) with a **minimum weekly benefit of \$64.80 and a maximum weekly benefit of \$355.97**. Total maximum amount payable is **\$142,388**. Lump sum of **\$10,000** will be paid to decedent's estate when there are **no dependents**.

Spouse receives benefits until **remarriage**. Children receive benefits until age **18 or beyond age 18 if disabled, or until age 22 if full-time students**. Maximum burial allowance is **\$4,500**.

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, State Department of Labor, 220 French Landing Drive, Nashville, Tennessee 37243 or phone (615) 741-6642.

PERSONAL LIFE POLICIES

Descent and Distribution - Surviving spouse takes all real and personal property if decedent left no issue and takes child's share, but not less than 1/3 if decedent left issue. Balance passes:

- (1) to children equally, issue of deceased children taking per stripes;
- (2) to parents equally;
- (3) to brothers and sisters equally, issue of deceased brothers and sisters taking per stripes;
- (4) half to paternal grandparents or their survivor, or if neither

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survives, their issue per stripes, and half to maternal grandparents or their survivor, or if neither survives, their issue per stripes, but if no grandparents or issue survive on one side, all to grandparents on other side or their survivor, or if neither survives, their issue per stripes.

Surviving spouse - has homestead rights and right to receive **year's support allowance in addition to distributive share**. Conveyance made fraudulently with intent to defeat distributive share is voidable.

Peer Support

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 for information on a chapter in your area.**

ADDITIONAL BENEFITS

The **Tennessee State Fraternal Order of Police** provides an insurance program for only **F.O.P. members** upon death from any cause. The program began in 1988 with a basic benefit of **\$1,000** paid to the surviving spouse or family member. The lodge has now increased the benefit to **\$1,500**. For information, contact the **Tennessee State FOP Lodge, PO Box 8, Tipton, Tennessee 38071-0008 or phone (901) 840-2683.**

Southern States Police Benevolent Association, Inc.

The PBA member’s beneficiary will receive their base salary for one if year they are killed accidentally or intentionally while performing their law enforcement duties (maximum payout: \$60,000). The beneficiary will receive \$5,000 if it is not an occupational death or if you are a retired or reserve member. Any active Southern States PBA member in good standing and dues current will receive this benefit. **Contact: Southern States Police Benevolent Association, Inc., 2155 Highway 42 South, McDonough, GA 30252, telephone (770) 389-5391, or visit www.sspba.org.**

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

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