ENHANCING THE SECURITY OF CALIFORNIA’S FALLEN FIREFIGHTER FAMILY MEMBERS

A SURVIVOR BENEFITS GUIDE
Every firefighter who falls in the line-of-duty leaves behind loved ones – a spouse who has lost a soulmate, or a child left without a father or mother.

When it comes time to reach out for a helping hand, these survivors often turn to the people to whom they’ve spent years growing close – their firefighter family.

The California Fire Foundation, California Professional Firefighters’ (CPF) nonprofit organization, is charged with the solemn duty of honoring the sacrifice of these heroes through the California Firefighters Memorial. CPF has also spent decades working diligently to provide the most important tribute to their memories – security for the loved ones they leave behind.

California Professional Firefighters and the California Fire Foundation believe it is important to educate and support surviving family members. This brochure details the many benefits survivors are afforded under current law, which, CPF has actively advocated for and pursued over the years. These benefits are available to surviving families of fallen federal, state and local firefighters.

While this guide is meant to answer as many questions as possible, additional benefits and proposals that are not included here could be moving through the Legislature. As new proposals for additional benefits arise, the CPF and California Fire Foundation websites will allow you to keep current and learn how you can take advantage of these resources.

While we know these efforts cannot relieve the pain of losing a loved one, CPF and the Foundation remain committed to doing everything possible to ease this adjustment and reassure the families of fallen firefighters that they are not alone.

**Brian K. Rice**
Chair, California Fire Foundation
President, California Professional Firefighters
Over the course of the last several decades, California Professional Firefighters has fought to enact workplace illness and injury presumptions for the state’s public safety personnel. These presumptions state that certain injuries and illnesses experienced by an active firefighter are covered under the workers’ compensation system if the injury or illness develops, or manifests itself, during the time that firefighter was in active service. If challenged, unless it is controverted by other evidence, the Workers’ Compensation Appeals Board is bound to find that the injury or illness is in fact job-caused.

With the exception of cancer and MRSA, presumptions are extended to a firefighter for a period of three calendar months for each full year of service worked, not to exceed 60 months beyond their last day of service. In the case of cancer, that timeframe is 120 months beyond their last day of service and MRSA is 90 days.

Under these rebuttable presumptions, if a firefighter sustains a job-caused injury or an occupational illness manifests itself he or she is afforded full hospital, surgical and medical treatment, as well as disability indemnity and death benefits.

At the time this guide was produced, California’s public safety presumptions include the following illnesses or conditions:

- MRSA
- Heart
- Hernia
- Pneumonia
- Cancer, including Leukemia
- Tuberculosis
- Blood-Borne Infectious Disease
- Bio-Chemical Exposures
- Meningitis

These laws are intended to protect firefighters who become ill as a result of occupational exposures to hazards and the daily stress of the job.

For more information about these presumptions, including the authorizing Labor or Government Code sections, visit the Health and Safety section of California Professional Firefighters website, www.cpf.org.
Families of fallen firefighters face a difficult journey, fraught with questions and uncertainty. In this time of great pain, surviving family members should know that their health and well-being is being looked after thanks to the efforts of their firefighter family. Below is a list of survivor health care benefits at the federal, state and local levels.

FEDERAL BENEFITS

COBRA

The Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) protects all firefighters and their dependents from instantly losing their health coverage, in the event that eligible survivors are not extended continued medical coverage under the deceased firefighter's plan. Coverage is available for up to 36 months after the death.

Coverage under COBRA must be identical to the coverage the firefighter had prior to death. However, employers can let survivors drop some incidental benefits to lower premium costs. If the department changes its health plan, survivors will receive the benefits under the new plan.

Benefit Eligibility:
The continuation of coverage under COBRA is available to any spouse or dependent children/stepchildren, provided the child is under the age of 18, a full-time student under the age of 23 or dependent due to a permanent disability. In addition, the survivor must have been covered under the fallen firefighter’s employee health plan at the time of death.

Obtaining Benefit:
The employer must notify the health plan administrator within 30 days after the employee’s death. The plan administrator then has 14 days to contact the survivor and offer the COBRA coverage. Upon receiving this information, the survivor has up to 60 days to decide whether or not to buy the COBRA coverage.

If a survivor elects COBRA coverage, it will be retroactive to the date that benefits ended because of the death. The first premium payment must be paid within 45 days.
STATE BENEFITS

HEALTH COVERAGE CONTINUITY

Government Code Section 22820 and Labor Code Section 4856 ensure the continued health care coverage for a deceased firefighter’s spouse and dependent children in instances where the firefighter succumbed to an industrial injury or illness.

These code sections extend such health benefits to a surviving spouse and qualified children of a fallen state or local government firefighter, as well as a federal firefighter who lived and worked in California and was killed in the line-of-duty.

Benefit Eligibility:
Under California law, a surviving spouse of fallen state, local and certain federal firefighters is entitled to state-funded health benefits over the course of their lifetime if they were married to that firefighter for a continuous period of one year prior to the date of death. Surviving unmarried children are also eligible for coverage under certain circumstances.

Obtaining Benefit:
Survivors should first contact the fallen firefighter’s employer. Under California law, the employer of a fallen public safety officer is required to notify CalPERS within 10 days that family members may be eligible for benefits. State law also requires an employer, when notifying CalPERS of the member’s death to also provide any updated contact information of the surviving spouse or family member, if that spouse or family member may be eligible for enrollment in a CalPERS health benefit plan. Uninsured, eligible survivors may enroll in a health benefit plan of the surviving spouse’s choice.

Once notified, CalPERS determines eligibility and forwards related materials to the eligible survivors. If you have questions regarding benefit eligibility, contact CalPERS at (888) 225-7377.

LOCAL BENEFITS

Some employers may provide survivors health care benefits in an employer-sponsored health plan. To learn more about your benefit eligibility, contact a representative from your local firefighter union.
Survivor Financial Benefits

For decades, the IAFF and CPF have fought at the federal and state levels to ensure that the families of fallen firefighters receive a level of financial security.

While these benefits can never relieve the pain for these families, CPF and the California Fire Foundation remain committed to reassure the families of fallen firefighters that they are not alone.

**FEDERAL BENEFITS**

**PUBLIC SAFETY OFFICE BENEFITS (PSOB) ACT**

Under the Public Safety Office Benefits (PSOB) Act, survivors of firefighters and other public safety officers who die in the line of duty are eligible for a one-time cash payment.

As of October 1, 2016, the amount of the PSOB benefit is $343,589.00. The benefit amount is adjusted each October, based on the Consumer Price Index.

**Benefit Eligibility:**

The PSOB Act includes all firefighters, whether paid, unpaid or federal, and allows all qualified beneficiaries of fallen firefighters to receive federal compensation.

The Act does not cover deaths resulting from occupational illness or pulmonary or heart disease unless a traumatic on-the-job injury is a substantial factor to the death. If toxicology reports demonstrate a carbon monoxide level of 10 percent or greater for a non-smoker, or 15 percent or greater for a smoker, at the onset of a heart attack, benefits are paid.

Under 2003’s Hometown Heroes Survivors Benefit Act, PSOB will be paid to the families of firefighters and police officers who die as a result of a heart attack or stroke suffered within 24 hours of responding to an emergency call or participating in a training exercise involving “unusual physical exertion.”

**Obtaining Benefit:**

The International Association of Fire Fighters (IAFF) Department of Occupational Health and Safety provides surviving family members with assistance in filing for benefits under the PSOB Act. The IAFF may be reached at (202) 737-8484.

To initiate a claim for death benefits, or to receive more information, call the Public Safety Officers Benefits Program at the Bureau of Justice Assistance at (888) 744-6513. More information can be obtained by visiting www.psob.gov.
STATE BENEFITS

CALIFORNIA WORKERS’ COMPENSATION DEATH BENEFITS

Under California’s workers’ compensation system, a fallen firefighter’s surviving spouse, children or other dependents may be eligible to receive a burial benefit, as well as death benefits that are paid as allowance installments in the same way total temporary disability benefits would have been paid to the firefighter as a result of a workers’ compensation claim.

See Chart Below

Benefit Eligibility:
Death benefits are available to the surviving spouse, children or other dependents of a firefighter who dies in the line of duty as the result of a traumatic injury, or as the result of a job-caused illness, including a public safety presumptive illness, such as cancer, heart trouble or a blood-borne infectious disease, to name a few.

Generally, the statute of limitations for filing a survivor-related workers’ compensation death benefits claim is 240 weeks from the “date of injury.” However, the statute of limitations is increased to 420 weeks from the date of diagnosis, not to exceed one year after the date of death, in instances where a firefighter’s death was:

- Job-caused cancer (excluding asbestosis), Tuberculosis, or a blood-borne infectious disease (excluding HIV/AIDS); and
- The date of injury occurred during the firefighter’s active service; and
- The recipient of the death benefit was a dependent at the time of the firefighter’s death.

In the event of a death associated with asbestosis or HIV/AIDS, survivors must start workers’ compensation death benefit proceedings five years from the date on which the asbestosis or HIV/AIDS was diagnosed, or up to one year from the date of the fallen firefighter’s death, whichever is later.

Obtaining Benefit:
To obtain this benefit, survivors must complete the state’s Workers’ Compensation Claim Forms. To access the forms, visit cafirefoundation.org/survivorbenefits.

LOCAL BENEFITS

Some local unions or charitable organizations offer some degree of financial assistance to the children of fallen firefighters. To learn more about your benefit eligibility, contact a representative from your local firefighter union.

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<th>DATES</th>
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<td>For injuries prior to Jan. 1, 2013</td>
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When a firefighter dies in the line of duty, surviving family members are faced with great uncertainty. In many cases, the family has lost its primary breadwinner. In the years after a firefighter’s death, their surviving family experiences tremendous financial hardships. As the cost of college tuition continues to rise, the dream of a higher education for the children of fallen firefighters can sometimes be placed in jeopardy.

Fortunately, higher education benefits for qualified survivors exist at both the federal and state level. In some cases, local unions also provide a level of educational support to the children of fallen firefighters.

FEDERAL BENEFITS

PUBLIC SAFETY OFFICERS EDUCATIONAL ASSISTANCE (PSOEA) PROGRAM

The Public Safety Officers Educational Assistance (PSOEA) Program, administered by the U.S. Department of Justice, offers financial assistance for higher education to spouses and eligible children of firefighters who die in the line of duty.

As of October 1, 2015, the maximum monthly benefit available under the PSOEA program is $1,024.00. The maximum benefit amount is adjusted each October, based on the Consumer Price Index.

Benefits are available for 45 months of a full-time education or training, or for a proportional amount of time for part-time programs. PSOEA funds may be used to cover tuition and fees, room and board, books and supplies, as well as other expenses consistent with the applicant’s educational, professional or vocational benefits.

It is important to note that PSOEA benefit amounts will be reduced in the event that the surviving family member is receiving other benefits, including those at the state level.

Benefit Eligibility:
Benefits under the PSOEA program are available to spouses of fallen firefighters, and children and step-children under the age of 27, unless the Attorney General finds there are extraordinary circumstances in which a surviving child’s benefits should be extended beyond that age.

To be eligible for this benefit, survivors must have received support through the Public Safety Officer Benefits (PSOB) Act (see pages 8-9).

Obtaining Benefit:
The International Association of Fire Fighters (IAFF) provides surviving family members with assistance in filing PSOEA benefits. The IAFF may be reached at (202) 737-8484.

To apply, have your PSOB case number and date of award, as well as information on estimated costs, on hand and complete the PSOB Education Assistance Claim information at https://www.psob.gov/default.aspx

W.H. “HOWIE” MCCLENNAN SCHOLARSHIP

The International Association of Fire Fighters (IAFF) offers the W.H. “Howie” McClennan Scholarship to children of fallen firefighters planning to attend a university, accredited college or school of higher learning in the United States or Canada.

Scholarships issued in the amount of $2,500 are awarded annually and can be renewed for up to four consecutive years.

Benefit Eligibility:
The McClennan Scholarship is available to the children, either biological or legally adopted, of IAFF members who were killed in the line of duty.

In order to be eligible for the scholarship, the applicant’s parent must have been a member in good standing of the International Association of Fire Fighters at the time of death.

Obtaining Benefit:
More information about the McClennan Scholarship, including application forms, can be found at www.iafffoundation.org.

NATIONAL FALLEN FIREFIGHTERS FOUNDATION SARBANES SCHOLARSHIP

The National Fallen Firefighters Foundation offers tuition assistance with higher education or professional job skills training through its Sarbanes Scholarship Program.

Spouses, life partners, children and stepchildren of firefighters honored at the National Fallen Firefighters Memorial are eligible to apply for assistance. Scholarships are awarded for undergraduate and graduate studies, vocational-technical training, and certification and job training programs. They may be used for study at in-state or out-of-state public and private schools.

Benefit Eligibility:
The NFFF’s scholarship is available to the spouse, life partner, child, or stepchild of a fallen firefighter honored at the National Fallen Firefighters Memorial in Emmitsburg, Maryland. Children must currently be under the age of 30 and have been under the age of 22 at the time of their firefighter’s death.

Additional eligibility requires, as well as the requirements to be listed on the NFFF’s Memorial, are listed at www.firehero.org.

Obtaining Benefit:
More information about the Sarbanes Scholarship, including application forms, can be found at http://www.firehero.org/resources/family-resources/programs/scholarships/eligibility/.

Survivor Education Benefits
STATE BENEFITS

ALAN PATTEE PUBLIC COLLEGE TUITION AND FEE WAIVER

The Alan Pattee College Tuition Waiver (California Education Code Sections 68120 and 68120.5) enables qualified natural or adopted children, including stepchildren, as well as spouses of fallen state, local government or California federal firefighters, to attend schools within the University of California, California State University and California Community College system, as well as Hastings College of Law without having to pay tuition or other systemwide fees. The benefit also applies to survivors of fallen CalFIRE contract pilots. These tuition and fee waivers are the result of aggressive and ongoing advocacy by California Professional Firefighters. In 2016, Governor Jerry Brown signed CPF-sponsored legislation clarifying that this tuition and fee waiver is in fact applicable in instances where a firefighter succumbed to a job-related accident or injury.

To reach admissions, you may find the following resources helpful:

University of California: admission.universityofcalifornia.edu
California State University: www.calstate.edu/admission
Hastings College of Law: uchastings.edu/admissions
California Community Colleges: home.cccapply.org

LAW ENFORCEMENT PERSONNEL DEPENDENTS GRANT PROGRAM (LEPD)

California’s Law Enforcement Personnel Dependents Grant Program (LEPD) provides needs-based educational grants to children and spouses of fallen California firefighters. Grant awards match the amount received through the Cal Grant program and range from $100 to $12,192 for up to four years. Awards may be used for tuition and fees, books, supplies, and living expenses.

Under Section 4709 of the Labor Code, proceeds of death benefits received by a dependent of a firefighter killed or disabled in the line of duty must not be included when determining financial need for an LEPD grant.

Benefit Eligibility:
The LEPD program provides educational grants to each dependent or spouse of a California firefighter killed in the performance of duty or who dies, or is totally disabled, in a duty-related accident or injury.

Benefit Eligibility:

Applicants must be under 27 years of age at the application closing date and must possess a high school diploma or equivalent, or be in the final year of high school.

Benefit Eligibility:

Applicants may apply for the Daniel A. Terry Scholarship at the California Fire Foundation’s website, www.cafirefoundation.org.

LOCAL BENEFITS

Many local unions offer some degree of financial assistance to the children of fallen firefighters. To learn more about your eligibility for benefits, contact a representative from your local firefighter union.
Survivor Retirement Benefits

The promise of a secure retirement in exchange for a lifetime of commitment is the least that society can offer its first responders. The same goes for the loved ones these first responders leave behind.

Below is a list of retirement benefits available to eligible survivors.

**FEDERAL BENEFITS**

**SOCIAL SECURITY**

While most firefighters and other public employees in California do not pay into Social Security, those that do have earned retirement benefits for his or her family. The amount of work (quarters) needed to make survivors eligible depends upon the worker’s age at death.

The Social Security Administration offers a one-time death benefit of $255 to eligible survivors for burial expenses, as well as a monthly survivor’s benefit.

If a surviving spouse receives a pension from a federal, state, or local government based on work for which Social Security tax was not paid, the Social Security Administration may reduce surviving spouses benefits by two-thirds of your pension.

**Benefit Eligibility:**

Anyone who has worked at least 40 quarters of work in “covered employment” and paid Social Security taxes has earned benefits for his or her family. The following individuals are entitled to receive that benefit:

- Widows and widowers age 60 or older
- Disabled widows and widowers
- Widows and widowers taking care of the firefighter’s child who is under age 16 or disabled, and receiving Social Security benefits
- Unmarried children under age 18, or up to age 19 if attending high school full time.
- Under certain circumstances, step-children, grandchildren or adopted children may receive benefits
- Disabled children of any age who were disabled before age 22
- Dependent parents age 62 or older
- Divorced spouses age 60 or older, if the marriage lasted 10 years or longer

**Obtaining Benefit:**

Call or visit your local Social Security office. The phone number will be in the government section of your local phone book. Social Security can also be contacted toll free at 1-800-772-1213, from 7 am to 7pm.
STATE BENEFITS

RETIREMENT/PENSIONS

There are a number of retirement systems protecting firefighters in California, the largest of which is the California Public Employees Retirement System (CalPERS).

All California retirement systems – CalPERS, county systems (covered under the County Employees Retirement Act of 1937) and independent municipal systems (such as L.A. City, San Jose, San Francisco or San Diego) provide benefits for survivors of members that die from an industrial disability.

Changes in benefits can be made statewide or, in some cases, through optional changes applicable to certain local jurisdictions. For example, local CalPERS contracting agencies may provide an alternate death benefit in cases where a firefighter served 20 or more years regardless of their age at death. Under this option, surviving spouses can receive a monthly benefit equal to the amount the firefighter would have earned if he or she had retired at the minimum age when he or she died (if there is no surviving spouse, an eligible dependent child can receive 50% of the allowance).

Because these benefits are often subject to collective bargaining, survivors are encouraged to contact the firefighter’s local union for clarification.

Benefit Eligibility:
Depending on the benefit, survivor eligibility requirements, as well as the benefit level, can vary from jurisdiction to jurisdiction.

Obtaining Benefit:
Surviving family members should contact the fallen firefighter’s local union to see what benefits have been negotiated or are applicable.

LOCAL BENEFITS

Due to the number of retirement systems throughout the state, benefits differ and are too numerous to detail in this brochure. For additional information, please contact the local union to which the fallen firefighter was a member.
SURVIVOR BENEFITS AT A GLANCE

This chart is meant to summarize the benefits that may be available to the surviving family members of various firefighters, depending on their employment situation. Each benefit area is explained in depth in its respective section of this guide.

While there is an attempt to ensure accuracy of this information, not all agencies are alike, and there may be cases where benefits differ from what is displayed here. Marks identifying that a benefit is available are meant to convey that a majority of firefighters in that class would be eligible for the benefit.

<table>
<thead>
<tr>
<th>TYPE OF FIREFIGHTER AGENCY</th>
<th>COBRA-36 MONTH HEALTH BENEFIT EXTENSION</th>
<th>STATE-FUNDED HEALTH BENEFITS FOR SPOUSES</th>
<th>PUBLIC SAFETY OFFICER BENEFITS (PSOB) ACT</th>
<th>CALIFORNIA WORKERS’ COMP DEATH BENEFITS</th>
<th>PUBLIC SAFETY OFFICERS EDUCATIONAL ASSISTANCE (PSOEA) PROGRAM</th>
<th>IAFF W.H. “HOWIE” MCCLENNAN SCHOLARSHIP</th>
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## BENEFITS

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<tr>
<th>NATIONAL FALLEN FIREFIGHTERS FOUNDATION SARBANES SCHOLARSHIP</th>
<th>ALAN PATTEE PUBLIC-College Tuition and Fee Waiver</th>
<th>LAW ENFORCEMENT PERSONNEL DEPENDENTS GRANT PROGRAM (LEPD)</th>
<th>CALIFORNIA FIRE FOUNDATION, DANIEL A. TERRY SCHOLARSHIP</th>
<th>SOCIAL SECURITY BENEFITS</th>
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