



Client Memorandum

To: All Pension Plans

From: Klausner, Kaufman, Jensen & Levinson

Date: September 2021

Re: Federal and State COVID Benefits for Public Safety Officers

The coronavirus disease 2019 (COVID-19) has hit the homes and hearts of nearly every American since mid-March 2020. Although some states have taken precautions to slow the spread of the disease, public safety officers have, and continue to provide, an essential service during this pandemic. Police officers and firefighters are contracting COVID-19 at a higher rate than the general public as a result of the essential services they provide our communities.

On August 14, 2020, “Safeguarding America’s First Responders Act of 2020” (the “Act”) was signed into law. This law provides presumptive line-of-duty death and disability benefits to qualifying police officers and firefighters. For the purposes of death and disability benefits, this law creates a general presumption that a public safety officer who dies from COVID-19 or related complications sustains a personal injury in the line-of-duty.

Under the Act, a qualifying public safety officer who dies or who becomes permanently and totally disabled due to COVID-19 (or from complications thereof) in 2020-2021 is entitled to a presumptive benefit under the Public Safety Officer Benefits (PSOB) program. To qualify for federal benefits, a public safety officer must meet the following four criteria for line-of-duty death.

- No competent medical evidence exists that the officer’s death was directly and proximately caused by something other than COVID-19;

Client Memorandum

Re: Safeguarding America's First Responders Act of 2020- Presumptive Benefit for COVID-19 Becomes Law

Page 2

- The public safety officer was engaged in a line-of-duty action or activity between January 1, 2020, and December 31, 2021;
- The public safety officer received a diagnosis of COVID-19 (or evidence indicates that the officer had COVID-19) during the 45-day period beginning on his or her last day of duty; and
- Evidence indicates that the public safety officer had COVID-19 (or complications therefrom) at the time of his or her death.

There is also a presumption for eligibility for line-of-duty disability related to COVID-19 or complications from COVID 19. To qualify for federal benefits, a public safety officer must meet the following two criteria for line-of-duty disability:

- The public safety officer was engaged in a line-of-duty action or activity between January 1, 2020, and December 31, 2021; and
- The public safety officer received a diagnosis of COVID-19 (or evidence indicates that the officer had COVID-19) during the 45-day period beginning on his or her last day of duty

We are all painfully aware that our public safety officers work in a dangerous profession; times are not getting any easier. This newly recognized federal death and disability benefit is intended to provide extra support to the families of our nation's essential public safety officers. Please contact our office if your retirement plan members need assistance filing a claim for PSOB benefits.