

PROGRAMS

Public Safety Officers' Benefits Program: Definitions

Public Safety Officers

Under the Public Safety Officers' Benefits (PSOB) Program, a **public safety officer** is a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or member of a public rescue squad or ambulance crew. **Law enforcement officers** include, but are not limited to, police, corrections, probation, parole, and judicial officers. Volunteer firefighters and members of volunteer rescue squads and ambulance crews are covered under the program if they are officially recognized or designated members of legally organized volunteer fire departments, rescue squads, or ambulance crews.

In October 2000, Public Law 106-390 (Sec. 305) designated Federal Emergency Management Agency (FEMA) employees as public safety officers under the PSOB Act if they are performing official, hazardous duties related to a declared major disaster or emergency. The legislation also indicates that state, local, and tribal emergency management or civil defense agency employees working in cooperation with FEMA are, under the same circumstances, considered public safety officers under the PSOB Act.

The Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefits Act of 2002 ([42 U.S.C. § 3796, et seq.](#)) is retroactive to September 11, 2001, and amends the PSOB Act of 1976 to include chaplains in the definition of public safety officers. A chaplain is defined as "including any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized fire or police department who was responding to a fire, rescue, or police emergency."

A **public agency** is defined as the United States; any U.S. state; the District of Columbia; the Commonwealth of Puerto Rico; any U.S. territory or possession; any unit of local government; any combination of such states or units; and any department, agency, or instrumentality of the foregoing. To be eligible for benefits, a public safety officer's death or total and permanent disability must result from injuries sustained in the line of duty. **Line of duty** is defined in the PSOB regulations as any action that the public safety officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is authorized or obligated by law, rule, regulation, or condition of employment or service to perform. Other public safety officers—whose primary function is not law enforcement or fire suppression—must be engaged in their authorized law enforcement, fire suppression, rescue squad, or ambulance duties when the fatal or disabling injury is sustained.

Survivors

Under the PSOB Act, **child** is defined as any natural child who was born before or after the death of the public safety officer or who is an adopted child or stepchild of the deceased public safety officer. At the time of death, the child must be 18 years of age or younger; 19 through 22 years of age and pursuing a full-time course of study or training, if the child has not already completed 4 years of education beyond high school; or 19 years or older and incapable of self-support due to a physical or mental disability.

Disability

Permanent and total disability means medically determinable consequences of a catastrophic, line-of-duty injury that permanently prevent a former public safety officer from performing any gainful work.

Direct and proximate, direct, or proximate means that the antecedent event is a substantial factor in the result.

Gainful work means work activity that is both substantial and gainful. **Substantial work activity** means work activity that involves doing significant physical or mental activities. Work may be substantial even if it is done on a part-time basis or if the public safety officer does less, gets paid less, or has less responsibility than when he or she was a member of the former employing public safety agency. **Gainful work activity** means work activity that is done for pay or profit. Work activity is gainful if it is the kind of work usually done for pay or profit, whether or not a profit is realized or pay is received.

Prerequisite disability certification means:

(1)(i) The employing agency's official, certified award to the claimant public safety officer of its maximum disability finding and compensation, including the officer's permanent and complete separation from the employing public safety agency as the direct result of an injury sustained in the line of duty; or (ii) if the employing agency does not itself make such disability awards, then an official, certified award to the claimant public safety officer by the cognizant judicial, political, or administrative agency or body of its maximum disability finding and compensation, including the officer's permanent and complete separation from the employing public safety agency as the direct result of an injury sustained in the line of duty.

(2) Nothing in this [definition] shall be construed to affect state, municipal, or local laws, regulations, policies, or agencies, which have been or will be established for the purpose of granting public safety officer disability pensions, including heart and lung laws and similar benefits, nor is any standard for the granting of such benefits implied in any way by this part.

Education

Program of education means any curriculum or any combination of unit courses or subjects pursued at an eligible educational institution, which generally is accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. It includes course work for the attainment of more than one objective if in addition to the previous requirements, all the objectives generally are recognized as reasonably related to a single career field.