

Law Enforcement Officer Training with
Scott O'Mara & Brad Fields

KNOW YOUR RIGHTS!

Scott A O'Mara, Esq.
Law offices of O'Mara & Hampton
September 29, 2020

Know your rights Topics For Discussion

Description

Presented by:

Scott O'Mara Esq. and Brad Fields Esq.

On 09/29/2020

At: 08:30 – 10 AM

Topics:

1. Retirement / Disability
2. Workers / Comp 4850 / TTD
3. Medical / Care / Impact of Covid
4. Death Benefits
5. Federal Benefits
6. Third Party Accidents
7. Critical Incident
8. Under Investigation and Facing Interrogation
9. Disciplinary Appeals
10. Potential Contract or Policy Violations
11. Posting on Social Media
12. Cell Phone Issues
13. Secure firearms in a vehicle

Info: knowyourrights@scottomara.com

Retirement/Disability

- IRS Benefit 26US Code #104
- Determinations made by

State/Workers' Compensation

County/County

Local/Local

A) Disability

B) Incapacity

C) Time to File

Workers Compensation/4850/TTD

- History of Workers' Compensation UR/IMR
- Type of injury specific, cumulative trauma
- Labor Code §5402, 90 days COVID 30 days
- After you file a claim form do not call
- Rebuttable presumptions heart, pneumonia, hernia, limes disease, back, tuberculosis, blood borne disease, meningitis, COVID cancer, other systems
- 60-month rule 120-month rule possible limit exceptions
- 5-year rule to reopen
- Insidious and progressive disease no limit
- §4850/TTD \$1,299.43
- 104 week limit

Medical Care/Impact of COVID-19

- Predesignation of physician or medical facility
- Know your treating doctor and staff
- Subjective factors/Objective factors
- UR April 19, 2004
- IMR January 1, 2013
- Expanded medical care 24-hour care, rehabilitation of house, shower, bathroom, ramp, purchase of van, medicine causing side effects, work related heart impacted by kidney disease, etc.
- Mileage 57 ½ cents per/mile

Death Benefits (State)

- Depending upon number of dependants and age of dependants \$320,000.00 or up to one child reaching 18, or forever if child is totally disabled.
- Burial expenses \$10,000.00

Federal Benefits

- Maximum death benefits for officers killed or died as a result of direct injury in line of duty. \$359,316.00 on or after 09/30/2019. Also, potential \$1,224.00 per/month educational benefit, impossible benefits if officer cannot do the employment.

Third Party Accidents

- If there is fault by a third party, civil cause of action must be filed within two years of date of injury and/or certain governmental agencies the filing must be within 100-days to six months.
- Insurance Code 11580.2 can compensate the insured motorist for bodily injury caused by motorist with no insurance or under insurance. This coverage includes, spouse or relative living in the same household and injured and other persons present in the car when hit by the uninsured/underinsured car UI/UMI.