

November 15, 1968

FILED
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OPINION NO. 298
Answered by Letter
(Stevens)

Honorable Les Langsford
State Representative
Missouri House of Representatives
141st District
2311 South Dollison
Springfield, Missouri 65804

Dear Representative Langsford:

Your opinion request, dated May 22, 1968, is as follows:

"During the regular session of the Seventy-fourth General Assembly, we added in Section 287.020 the following: including executive officers of corporations.

"My understanding of this provision was to remove the question as to whether or not executive officers of corporations were covered under Missouri Workmen's Compensation Law. There seems to be a question now whether executive officers of corporations are covered due to the definition of the word employee because some officers have no master other than the corporation."

Honorable Les Langsford

Section 287.020, RSMo Supp., 1967 provides in part as follows:

"The word 'employee' as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. * * * *'" (emphasis ours)

It is true that formerly some of the cases in this State held that a corporate official was not under the control and direction of others, and consequently was not subject to the Workmen's Compensation Act.

It is apparent that it was the obvious intent of the legislature to make all officers of a corporation "employees", regardless of their status within the corporation.

We do not see how any other conclusion can be reached and it is our view that all "executive officers" of a corporation are covered under the Missouri Workmen's Compensation Act as amended.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

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