

WORKMEN'S COMPENSATION:
SCHOOLS:

A school district board of directors has authority to elect to become an "employer" under the Workmen's Compensation law and to provide workmen's compensation for its employees and use public funds for such purposes.

OPINION NO. 332

December 24, 1968

FILED
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Honorable Donald L. Manford
State Senator - District 8
Missouri Senate
9409 Oakland
Kansas City, Missouri 64138

Dear Senator Manford:

This is in response to your request for an opinion concerning whether local school districts can expend public funds to secure Workmen's Compensation Insurance coverage for teachers, administrative personnel, and others employed by the school district.

It is our opinion that local school districts can expend public funds for this purpose.

Section 287.030, RSMo 1959, provides:

"1. The word 'employer' as used in this chapter shall be construed to mean:

* * * *

"(2) The state, county, municipal corporation, township, school or road, drainage, swamp and levee districts, or school boards, board of education, regents, curators, managers or control commission, board or any other political subdivision, corporation, or quasi corporation, or cities under special charter, or under the commission form of government, which elects to accept this chapter by law or ordinance."

Section 287.090, RSMo 1959, provides:

"1. Sections 287.050 to 287.080 and 287.120 shall not apply to any of the following employments:

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"(1) Employments by the state, county, municipal corporation, township, school or road, drainage, swamp and levee districts, or school board, board of education, regents, curators, managers, or control commission, board or any other political subdivisions, corporation, or quasi-corporation thereof;

* * * *

"2. Any employer in this section exempted from the operation of sections 287.050 to 287.080 and 287.120 may bring himself within the provisions of this chapter by filing with the commission notice of his election to accept the same, or by the purchasing and accepting by the employer of a valid compensation insurance policy, and such election by the purchase and acceptance of said insurance policy shall include the exempted employments described in subdivisions (1) . . . of subsection 1 if such intent is shown by the terms of the policy. . . ."

Reading these two sections in conjunction with Section 287.800, RSMo 1959, which provides that the provisions of the Workmen's Compensation Law, ". . . shall be liberally construed with a view to the public welfare. . .", leads one to the unescapable conclusion that the legislature intended to provide local school districts with power and authority to elect to bring themselves within the provisions of the Workmen's Compensation Act.

The Supreme Court of Missouri has held that the expenditure of public funds to procure insurance by a city school district board of education under the Workmen's Compensation Act is not prohibited by the Constitution. *Hickey v. Board of Education of City of St. Louis*, 256 S.W.2d 775, 777 [7] (Mo. 1953). The court held that a school district may elect to become an employer. The court said l.c. 776:

". . . section 287.030 and 287.090 authorize a school district to elect to become an 'employer' under the Workmen's Compensation Law, Chap. 287, §§ 287.010-287.800."

In view of our holding in this opinion, we are hereby withdrawing Opinion No. 22, issued September 7, 1966 to the Honorable Ben Morton, and Opinion No. 118, issued March 28, 1967 to the Honorable Jack Yocom.

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CONCLUSION

It is the opinion of this office that a school district board of directors has authority to elect to become an "employer" under the Workmen's Compensation law and to provide workmen's compensation for its employees and use public funds for such purposes.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Richard L. Wieler.

Yours very truly,



NORMAN H. ANDERSON
Attorney General