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ATTORNEY GENERAL

OFFICES OF THE  
ATTORNEY GENERAL OF MISSOURI  
JEFFERSON CITY

May 29, 1975

OPINION LETTER NO. 140

Honorable W. Swain Perkins  
Prosecuting Attorney  
Oregon County  
Box 304  
Alton, Missouri 65606

Dear Mr. Perkins:

This opinion is in response to your request regarding:

"Whether county court is an employer, thereby making it subject to the Workmen's Compensation Laws of the State of Missouri for all county officials and employees?"

You have stated the request pertains to the Oregon County Court and that Oregon County has more than five officials and employees. A check by telephone has provided information that Oregon County has nineteen nonelective employees. It was necessary to determine whether or not Oregon County has more than five employees, not counting elected county officials, except the sheriff, as it is the opinion of this office that elected county officials, except the sheriff, are not employees of the county for the purposes of the Workmen's Compensation Act. Copy of Opinion Letter No. 253 of October 31, 1974, on this point is enclosed.

We concur in your statement that a county is an employer under Section 287.030(2), Senate Bill No. 417, 77th General Assembly; and that, under Section 287.050, Senate Bill No. 417, 77th General Assembly, any employer who has more than five employees regularly employed is a major employer and is not excluded from the operation of the Workmen's Compensation Law. A "minor employer" (an employer who has five or less employees regularly employed), not determined to be engaged in an occupation hazardous to employees, and certain employments of farm labor and domestic servants are exempted from the operation of the Workmen's Compensation Law.

Honorable W. Swain Perkins

In 1973, Section 287.021, RSMo, was enacted requiring each county to provide workmen's compensation insurance to cover the sheriff and deputy sheriffs in its county. Section 287.090 of Senate Bill No. 417, 77th General Assembly, brought employments by a county, municipal corporation, township, school or road, drainage, swamp and levee district, or school board, board of education, or any other political subdivision within the Workmen's Compensation Act by removing these employments from those exempted from the operation of the Act.

On the basis of the information furnished, as indicated above, it is the opinion of this office that Oregon County is an employer and that nonelective employees of Oregon County and the sheriff are employees of the county for the purposes of the Workmen's Compensation Act. Elective officials, except the sheriff, are not employees of the county for that purpose.

Yours very truly,



JOHN C. DANFORTH  
Attorney General

Enclosure: Op. Ltr. No. 253  
10-31-74, Seier