

OPINION NO. 74-050

Syllabus:

A board of education is required to continue paying the premiums on insurance covering a teacher, purchased under R.C. 3313.202, after the teacher submits his resignation or applies for retirement, until the effective date of such resignation or retirement.

To: Thomas A. Unverferth, Putnam County Pros. Atty., Ottawa, Ohio
By: William J. Brown, Attorney General, June 14, 1974

I have before me your request for my opinion, which reads as follows:

"May a board of education of a school district, under section 3313.202 Revised Code, which grants authority to procure and pay the costs of a teacher's group term life, hospitalization, surgical, or major medical insurance or a combination of these, pay such premiums for the period of a teacher's contract after the teacher resigns or retires, but before his resignation or retirement actually takes effect?"

R.C. 3313.202 authorizes a board of education to purchase group term life, hospitalization, surgical, or major medical insurance, or a combination of these types of insurance, covering teaching and/or nonteaching employees, except for those on approved leave of absence or disability leave of absence for a period exceeding two years.

It is well settled that the payment of premiums for insurance of this type, covering an employee, is a form of compensation to that employee. See Opinion No. 72-059, Opinions of the Attorney General for 1972 (concerning the payment of "hospitalization benefits"), and the authorities cited therein. R.C. 3319.08 requires teachers' contracts to specify the "salaries and compensation." R.C. 3319.12 provides in part as follows:

"* * * No contract or supplemental contract for the employment of a teacher, whether for an administrative or supervisory position, a position provided for by sections 3319.01 and 3319.02 of the Revised Code, regular teaching duties, or additional duties, may be terminated or suspended by a board of education except pursuant to section 3319.02 or 3319.16 of the Revised Code, and the salaries and compensations prescribed by such contracts shall not be reduced by a board of education unless such reduction is a part of a uniform plan affecting the entire district. * * *"

(Emphasis added.)

For a board of education to discontinue its payment for premiums for insurance for an employee after he submits his resignation or applies for retirement, and before the effective

date of such resignation or retirement, would decrease his compensation during the term of his contract, in violation of R.C. 3319.12. Therefore, the board is not only authorized, but required, to pay the premiums until the termination of the contract.

In specific answer to your question, it is my opinion and you are so advised that a board of education is required to continue paying the premiums on insurance covering a teacher, purchased under R.C. 3313.202, after the teacher submits his resignation or applies for retirement, until the effective date of such resignation or retirement.