

**OPINION NO. 90-064****Syllabus:**

Pursuant to R.C. 505.60(A), the board of township trustees may procure health insurance benefits which offer uniform coverage to township officers and full-time employees and their immediate dependents, while paying only that portion of the insurance premium attributable to the officer or employee. (1984 Op. Att'y Gen. No. 84-086, modified.)

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**To: David P. Joyce, Geauga County Prosecuting Attorney, Chardon, Ohio**  
**By: Anthony J. Celebrezze, Jr., Attorney General, September 7, 1990**

I have before me your opinion request concerning the operation of R.C. 505.60 which governs the provision of insurance benefits for township officers and

employees. As stated in your opinion request, you ask:

Can the township offer uniform insurance coverage to the officers and their immediate dependents but only pay that portion of the insurance that covers the township officer[?] Thus if the officer wanted to have his/her family covered under the township health insurance policy he/she should have to pay for the remainder of the policy that covers the family.

The provision of health insurance benefits for township officers and employees is governed by R.C. 505.60, which states in part:

(A) The board of township trustees of any township may procure and *pay all or any part of the cost* of insurance policies that may provide benefits for hospitalization, surgical care, major medical care, disability, dental care, eye care, medical care, hearing aids, prescription drugs, or sickness and accident insurance, or a combination of any of the foregoing types of insurance for township officers and employees. *If the board so procures any such insurance policies, the board shall provide uniform coverage under these policies for township officers and full-time township employees and their immediate dependents* and may provide coverage under these policies for part-time township employees and their immediate dependents....Any township officer or employee may refuse to accept the insurance coverage without affecting the availability of such insurance coverage to other township officers and employees.

....

(C) As used in this section, "part-time township employee" means a township employee who is hired with the expectation that the employee will work not more than one thousand hours in any year.<sup>1</sup> (Emphasis and footnote added.)

Concerning the authority of the board of township trustees under R.C. 505.60, prior opinions have consistently concluded that R.C. 505.60 allows the board to provide insurance for its officers and employees only in the manner specified in the statute; further, any arrangements incidental thereto are similarly restricted by the terms of the statute. *See, e.g.,* 1989 Op. Att'y Gen. No. 89-009; 1984 Op. Att'y Gen. No. 84-086; 1982 Op. Att'y Gen. No. 82-076. Among the requirements imposed upon the board of township trustees by R.C. 505.60(A) is that, should the board decide to provide insurance, "the board *shall provide uniform coverage* under these policies for township officers and full-time township employees and their immediate families;" further, the board is authorized, but not required, to "provide coverage under these policies for part-time township employees and their immediate dependents."<sup>2</sup> (Emphasis added.) Based upon the language of R.C. 505.60 quoted in your opinion request, I will assume your question does not involve part-time employees and their dependents.

The uniform coverage requirement of R.C. 505.60(A) was addressed in Op. No. 84-086 at 2-298 through 2-299, as follows:

<sup>1</sup> Since your opinion request does not mention group life insurance benefits, I will not include a discussion of R.C. 505.60(B). Further, this opinion addresses the extent to which the board of township trustees may provide health insurance benefits under R.C. 505.60(A), aside from any other provisions contained in a relevant collective bargaining agreement. *See generally* 1989 Op. Att'y Gen. No. 89-009 at 2-34 through 2-35, n. 1.

<sup>2</sup> In 1984 Op. Att'y Gen. No. 84-086, I concluded that a township could not distinguish between full-time and part-time township employees in providing health insurance benefits under R.C. 505.60(A). This conclusion was based on the language of R.C. 505.60 in effect at that time, such language referring only to township employees generally. 1979-1980 Ohio

The plain meaning of the language used in R.C. 505.60 is that, if health insurance is provided pursuant to that section, the coverage must be uniform as to all persons mentioned, including the immediate dependents of employees....

...I am aware of no rule of statutory construction which would permit the language about which you have inquired to be read as permitting the purchase of health insurance which does not cover the immediate dependents of employees. (Footnote and citation omitted.)

Since that portion of R.C. 505.60(A) requiring uniformity of coverage has not been changed since issuance of Op. No. 84-086, I have no basis for altering the conclusion that if health insurance benefits are provided for township officers and full-time township employees, such coverage must also include their immediate dependents.<sup>3</sup>

The question remains, however, as to the amount of the premium cost which the board must pay. Concerning payment for health insurance benefits procured by the board of trustees under R.C. 505.60(A), the statute states: "The board of township trustees of any township may procure and *pay all or any part of the cost* of insurance policies...." (Emphasis added.) The plain language of the statute, therefore, authorizes the board to pay less than the entire cost of the insurance benefits procured thereunder.

As concluded above, should the township decide to offer health insurance benefits under R.C. 505.60(A), it must make the same coverage which is available to all township officers and full-time employees available also to their immediate dependents. Op. No. 84-086. Addressing the situation you describe, since R.C. 505.60(A) permits the township to pay less than the entire amount of the cost of providing such insurance, I can find no basis for concluding that the township may not limit payment on behalf of each officer and employee to a fixed amount, so long as coverage is available to the officers' and employees' dependents on a basis equal to that of the officers and employees, even though the cost of the dependents' coverage will not be borne by the township.

It is, therefore, my opinion, and you are hereby advised that, pursuant to R.C. 505.60(A), the board of township trustees may procure health insurance benefits which offer uniform coverage to township officers and full-time employees and their immediate dependents, while paying only that portion of the insurance premium attributable to the officer or employee. (1984 Op. Att'y Gen. No. 84-086, modified.)

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Laws, Part I, 962 (Sub. S.B. 285, eff. Aug. 8, 1980). R.C. 505.60 was then amended in 1985-1986 Ohio Laws, Part II, 4468 (Am. H.B. 470, eff. March 5, 1987) to make separate provision for full-time employees and part-time employees. Such language remains in the current version of R.C. 505.60. Based on the amendment of R.C. 505.60 in Am. H.B. 470, therefore, I must modify the syllabus of Op. No. 84-086 to the extent that R.C. 505.60 now authorizes, but does not require, a township to provide health insurance benefits for part-time township employees and their immediate dependents.

<sup>3</sup> This opinion discusses only the manner in which the board of trustees, acting under R.C. 505.60 to provide health insurance, must make uniform coverage available to all township officers, full-time employees and their immediate dependents. The circumstances in which a township officer may receive such benefits, in light of Ohio Const. art. II, §20, will not be addressed.