

OPINION NO. 77-066**Syllabus:**

A board of trustees of a joint ambulance district may, pursuant to R.C. 505.72, provide life and hospitalization insurance for the volunteer employees serving such district.

To: Michael E. Bernard, Hardin County Pros. Atty., Kenton, Ohio
By: William J. Brown, Attorney General, October 31, 1977

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

My question is this: one of our county's joint ambulance districts wishes to purchase first-party insurance (hospitalization, life insurance) to cover its volunteer employees for injuries that occur while in the line of duty: would such volunteers be "township employees" within the meaning of R.C. 505.60, so as to authorize purchase of such first-party insurance, or must the ambulance district wait for legislation specifically describing joint ambulance district personnel?

R.C. 505.71 provides generally for the establishment of a joint ambulance district and allows its board of trustees to levy taxes, pursuant to R.C. Chapter 5705, to enable it to provide such services and equipment as the board determines is necessary.

Your inquiry suggests that R.C. 505.60 might enable a joint ambulance district to provide hospitalization and life insurance for its volunteers. This section authorizes a board of township trustees to purchase certain specific types of insurance coverage for designated township employees and dependants. 1977 Op. Att'y Gen. No. 77-033. As you have noted, R.C. 505.60 would be applicable to the situation you present only if joint ambulance district volunteers were considered to be employees of the township. However, for the reasons set forth below, it is my conclusion that R.C. 505.60 has no applicability to your question, as such volunteers are employees of a joint ambulance district.

A joint ambulance district is, pursuant to R.C. 505.71, a joint venture between townships and municipal corporations (or some otherwise permissible combination). Once created, it is a political subdivision separate and distinct from the subdivisions empowered to create it. This is evidenced by the requirement of R.C. 505.71 that the name of the district must be different than the names of the participating township and municipal corporations. Further the section specifically states that the board of trustees is the governing body of the district. In sum, the employees of the joint ambulance district are not township employees for the purpose of R.C. 505.60.

Your question, therefore, must be evaluated in light of the statutory authority of such a district and its board of trustees. R.C. 505.72 provides, in part, that:

(A) The board of trustees of a joint ambulance district shall provide for the employment of such employees as it considers best, and shall fix their compensation . . . (Emphasis added)

The Supreme Court, in State ex rel. Parsons v. Ferguson, 46 Ohio St.2d 389, held that group medical and hospitalization plans for county officers are to be considered compensation. The court observed, at p. 391, that;

Fringe benefits, such as the payments made here, are valuable perquisites of an office, and are as much a part of the compensation of office as a weekly pay check. It is obvious that an office holder is benefitted and enriched by having his insurance bill paid out of public funds, just as he would be if the payment were made directly to him, and only then transmitted to the insurance company. Such payments for fringe benefits may not constitute 'salary' in the strictest sense of that word, but they are compensation.

The definition of "compensation" contained in Parsons is equally applicable to group insurance coverage provided by the board of trustees of a joint ambulance district. I have previously held that authority granted to fix compensation includes the power to pay costs of hospitalization insurance for employees. 1975 Op. Att'y Gen. No. 77-014. See also, 1972 Op. Att'y Gen. No. 72-059; 1961 Op. Att'y Gen. No. 2171; 1941 Op. Att'y Gen. No. 4685; 1931 Op. Att'y Gen. No. 3385. Volunteers performing services for a joint ambulance district are employees for the purpose of R.C. 505.72, because they are performing services for at least the limited compensation provided through group insurance and have had their employment provided for by the board.

Therefore, it is my opinion, and you are so advised, that a board of trustees of a joint ambulance district may, pursuant to R.C. 505.72, provide life and hospitalization insurance for the volunteer employees serving such district.