

HERMAN G. BODEWES  
R. MARK MIFFLIN  
DAVID A. HERMAN  
CREIGHTON R. CASTLE  
CHRISTOPHER E. SHERER  
KERRI A. DOLL

STEVEN A. MILBURN  
MATTHEW R. TRAPP  
JASON E. BROKAW  
ABBY L. ALLGIRE

OF COUNSEL:  
ROBERT S. COHEN  
JOHN L. SWARTZ  
RONALD W. PERIARD

# GIFFIN WINNING COHEN & BODEWES, P.C.

A T T O R N E Y S   A T   L A W

Please reply to:  
POST OFFICE BOX 2117  
SPRINGFIELD, ILLINOIS 62705-2117

TELEPHONE (217) 525-1571  
FACSIMILE (217) 525-1710

November 19, 2015

ESTABLISHED 1911

D. LOGAN GIFFIN  
(1890-1980)

MONTGOMERY S. WINNING  
(1892-1966)

C. TERRY LINDNER  
(1903-1987)

ALFRED F. NEWKIRK  
(1904-1980)

JAMES M. WINNING  
(1921-2013)

Mr. Michael McCreery  
United Counties Council of Illinois  
217 East Adams Street, Suite 101  
Springfield, IL 62701

**Re:   Opinion re whether elected county officials are employees of the county  
and eligible to receive insurance benefits**

Dear Mike:

**Issue:**

Are elected and appointed county officials deemed to be “employees” of the county, and thus eligible to receive insurance benefits?

**Analysis:**

The Counties Code expressly authorizes the county board to:

[A]rrange to provide, for the benefit of employees of the county, group life, health, accident, hospital, and medical insurance, or any one or any combination of those types of insurance, or the county board may self-insure, for the benefit of its employees, all or a portion of the employees' group life, health, accident, hospital, and medical insurance, or any one or any combination of those types of insurance, including a combination of self-insurance and other types of insurance authorized by this Section, provided that the county board complies with all other requirements of this Section.<sup>1</sup>

---

<sup>1</sup> 55 ILCS 5/5-1069.

Mr. Michael McCreery  
United Counties Council of Illinois  
November 19, 2015  
Page 2 of 2

The above Section further provides that: “The term ‘employees’ as used in this Section includes elected or appointed officials but does not include temporary employees.” (Emphasis added)<sup>2</sup>

The Attorney General opined that insurance coverage may not be initiated during the “. . . current term of office. . .” The Attorney General further opined that: “It must be noted, however, that mid-term changes in the compensation of elected officers of units of local government are not flatly prohibited by the Constitution. Rather, the key issue is whether action is required during the term of office to effectuate the change.” (Emphasis added)<sup>3</sup>

An insurance plan in place prior to the commencement of the term of office of the elected or appointed county official (i.e., county board member) and requiring no further action by the county board member during the term of office, such as a premium change or increase initiated without any action on the part of the county official is not deemed to be an increase in compensation.

**Conclusion:**

An elected or appointed county official is deemed an employee for the purpose of receiving benefits under a county group life, health, accident, hospital and other medical insurance or any one or a combination of those types of insurance.

Based upon the reasoning of the Attorney General, any premium increase occurring during the term of an elected or appointed official, which increase was not occasioned by any acts of the county board, such premium increase shall not be deemed an increase in compensation in violation of the Counties Code or the Illinois Constitution.

Sincerely,

GIFFIN, WINNING, COHEN & BODEWES, P.C.



Herman G. Bodewes

HGB:pa

S:\SharedCaseFiles\UNITCC\Corresp\OpReelected county officials insurance 11-19-15

**Disclaimer:** This opinion was prepared by Giffin, Winning, Cohen & Bodewes, P.C. at the request of UCCI and is to be used solely by UCCI and its members. The State’s Attorney is the attorney for the County. Legal advice, if requested, should be sought from the State’s Attorney.

---

<sup>2</sup> 55 ILCS 5/5-1069 (e).

<sup>3</sup> IL Atty.Gen. Op. 94-022 (1994).