

OPINION NO. 65-138

Syllabus:

The positions of Secretary of the Municipal Civil Service Commission of the City of Lakewood and Stenographer-Clerk, Class B, in the Finance Department are compatible.

To: John T. Corrigan, Cuyahoga County Pros. Atty., Cleveland, Ohio
By: William B. Saxbe, Attorney General, July 29, 1965

I have before me your request for my opinion as to whether or not the position of Secretary of the Municipal Civil Service Commission is compatible with a temporary appointment to the part-time position of Stenographer-Clerk, Class B, in the Finance Department in the City of Lakewood.

The common-law rule on compatibility is expressed in the case of State, ex rel., Attorney General v. Gebert, 12 C.C. (N.S.), 274, which states:

"Offices are considered incompatible when one is subordinate to, or in any way a check upon the other; or when it is physically impossible for one person to discharge the duties of both."

Only one of the two positions asked about is a public office. The other is merely a clerical job. I find nothing in the duties of either position to indicate that one is subordinate to or a check on the other, and I assume that it is physically possible to perform both positions.

Therefore, it is my opinion and you are accordingly advised that the positions of Secretary of the Municipal Civil Service Commission of the City of Lakewood and Stenographer-Clerk, Class B, in the Finance Department are compatible.