

Section 4740, General Code, has been amended a number of times since, but the principle embodied in the original statute has been preserved in the several amendments, and is now contained in the present statute as above quoted.

In the amendments of this section since 1914, the provision was made that the duties of a superintendent employed by virtue of its provisions should perform the same duties with respect to his district as did district superintendents in their districts; and in the last amendments thereof in 1921, when supervision districts were abolished and assistant county superintendents provided for, the duties of a superintendent employed under Section 4740, General Code, are set out in the following language:

“Such superintendent shall perform the duties prescribed by law for assistant county superintendents, but shall teach for such part of the day as the board of education of the district or districts may direct.”

The fact that the superintendent in a so-called 4740 school district may be required, by the board employing him, to teach a part of the time does not in my opinion make him any the less a superintendent. He may not be required to teach at all, and probably would not if in the opinion of the board his time would be taken up in supervision. In fact, the teaching is secondary to the supervision, and while he may be classed as a teacher for some purposes he nevertheless is a superintendent.

It is therefore my opinion that a superintendent of schools in a so-called 4740 district is eligible to appointment on the county board of school examiners as a representative of the second class of persons enumerated in Section 7811, General Code, that is, “a superintendent, high school principal or assistant county superintendent” and can not be appointed as “one other competent teacher.”

Respectfully,
EDWARD C. TURNER,
Attorney General.

1932.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE SHAMP ELECTRIC COMPANY, WOOSTER, OHIO, FOR EXTENDING POWER LINE TO ANIMAL INDUSTRY LABORATORY BUILDING AND AGRONOMY BUILDING, OHIO AGRICULTURAL EXPERIMENT STATION, WOOSTER, OHIO, AT AN EXPENDITURE OF \$2,222.40.

COLUMBUS, OHIO, April 4, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—you have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for Ohio Agricultural Experiment Station, Wooster, Ohio, and J. D. Shamp and M. A. Shamp, co-partners doing business as Shamp Electric Company, of Wooster, Ohio. This contract covers the construction and completion of general contract for renewing and extending power line to Animal Industry Laboratory Building and Agronomy Building, Ohio Agricultural Experiment Station, Wooster, Ohio, and calls for an expenditure of two thousand two hundred and twenty-two and 40/100 dollars (\$2,222.40).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted a copy of a letter from the secretary of the Controlling Board to the effect that in accordance with Section 12 of House Bill No. 502, 87th General Assembly, said board has properly consented to and approved the expenditure of the money appropriated by the 87th General Assembly for the purpose covered by this contract.

Inasmuch as the cost of the improvement as fixed in the contract is less than the sum of \$3,000, it is unnecessary that the contractor furnish a surety bond, and no such bond has been furnished.

It also appears that there was no publication of an advertisement for bids as such advertisement was unnecessary inasmuch as the contract price is less than \$3,000. It appears, however, that informal bids had been received and the contract awarded to the lowest bidder. You have further submitted evidence indicating that plans and specifications were properly prepared, approved and filed.

Finding said contract in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1933.

BUREAU OF SAFETY AND HYGIENE—CLASSIFIED AND UNCLASSIFIED SERVICE IN DEPARTMENT DISCUSSED.

SYLLABUS:

The question, whether any particular person hereinafter appointed and employed in the bureau or department of safety and hygiene will be in the unclassified civil service of the state, depends upon whether such person is appointed as superintendent of said bureau or department or is an expert or technical assistant within the meaning of said terms as used in Section 1465-89a, General Code, and is so designated at the time of his employment. Any person hereafter employed in said category of positions, and so designated, will be in the unclassified service. Any person hereafter employed in said bureau or department in a position other than that of superintendent, expert or technical assistant, will be in the competitive classified civil service of the state unless such person is placed in the unclassified civil service by action of the Industrial Commission of Ohio as one of its quota of exemptions allowed it under the provisions of sub-section 8 of Section 486-8 of the General Code.

COLUMBUS, OHIO, April 5, 1928.

HON. P. F. CASEY, *Chairman, The Industrial Commission of Ohio, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication, which reads as follows:

“Under date of August 24, 1925, the State Civil Service Commission addressed a communication to your office in which inquiry was made as to