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POSITION OF DIRECTOR, RESEARCH, STATISTICS AND PROMOTION—BUREAU OF UNEMPLOYMENT COMPENSATION—WILL REMAIN IN “CLASSIFIED” SERVICE—SALARY CLASSIFICATION WILL BE “EXECUTIVE VII”—SECTIONS 143.08, 143.09, 143.10, R.C. A.S.H.B. No. 591, 103RD GENERAL ASSEMBLY.

**SYLLABUS:**

Under the provisions of Amended Substitute House Bill No. 591 of the 103rd General Assembly, effective January 1, 1960, the position of director, research, statistics and promotion, bureau of unemployment compensation, will remain in the “classified” service within the purview of division (B) of Section 143.08, Revised Code, and the salary for such position, as of that date, will be that provided for the classification “Executive VII” under Sections 143.09 and 143.10, Revised Code.

Columbus, Ohio, December 16, 1959

Hon. Donald B. Leach, Administrator  
Bureau of Unemployment Compensation  
Columbus, Ohio

Dear Sir:

I have before me your request for my opinion reading as follows:

“The Director, research, statistics and promotion, Bureau of Unemployment Compensation has been and is now covered by the Civil Service Classification law, section 143.01 to 143.48, Revised Code.

“Amended House Bill 591, passed by the 103rd General Assembly, and effective January 1, 1960, includes a new section, 141.032, which states:

“The annual salaries of the following state officers and employees are as follows:

- “(A) Superintendent of banks, twelve thousand dollars;
- “(B) Superintendent of securities and small loans, twelve thousand dollars;
- “(C) Superintendent of building and loan associations, twelve thousand dollars;
- “(D) Director, research, statistics and promotion (BUC), Executive VII.’

“Does this section 141.032 remove the position of Director, research, statistics and promotion Executive VII from coverage of the Civil Service Classification statutes 143.01 to 143.48, Revised Code?”

“Is it necessary to make an appointment to the position, effective January 1, 1960? If so, what officer must make such appointment?”

Under present Section 143.09, Revised Code, as effective until January 1, 1960, the director, research, statistics and promotion is classified as follows:

“(A) All positions, offices, and employments paid in whole or in part by this state or paid out of any rotary fund of any state department, or state institution, except those excluded in sections 143.09 to 143.12, inclusive, of the Revised Code, are classified hereby and assigned hereby to the pay ranges established in section 143.10 of the Revised Code, as follows:

“\* \* \*

Classification Number	Classification Title	Pay Range Number
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“\* \* \*

“1739	Director, Research Statistics and Promotion	40
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Amended Substitute House Bill No. 591 of the 103rd General Assembly, effective January 1, 1960, abolishes the above noted classification and enacts Section 141.032, Revised Code, reading:

“The annual salaries of the following appointive state officers and employees are as follows:

“(A) Superintendent of banks, twelve thousand dollars;

“(B) Superintendent of securities and small loans, twelve thousand dollars;

“(C) Superintendent of building and loan associations, twelve thousand dollars;

“(D) Director, research, statistics and promotion (BUC), Executive VII.

Section 143.09, Revised Code, as amended by Amended Substitute House Bill No. 591, *supra*, contains an Executive VII classification as follows:

“(A) All positions, offices, and employments paid in whole or in part by this state or paid out of any rotary fund of any state department, or state institution, except those excluded in sections 143.09 and 143.10 of the Revised Code, are classified hereby and assigned hereby to the pay ranges established in section 143.10 of the Revised Code, as follows:

“\* \* \*

Classification Number	Classification Title	Pay Range Number
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“\* \* \*

“1827	Executive VII	49
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“\* \* \*

Thus, although the position in question will, as of January 1, 1960, no longer be classified under Section 143.09, Revised Code, a classification title is provided by law for such position. Section 143.032, *supra*, provides a specified salary for the three positions named in division (A), (B), and (C) but a classification title for the position named in (D), the director, research, statistics and promotion. The intent of the Legislature in this regard can only be that the director is to be paid the salary set for the classification, Executive VII, pursuant to Sections 143.09 and 143.10, Revised Code, Section 143.09, Revised Code, classifies and sets pay range numbers of positions in the state service. Section 143.10, Revised Code, sets the salaries to be paid for such positions.

Having thus determined that the salary of the director is to be paid under Sections 143.09 and 143.10, Revised Code, the question remaining is whether the position remains under the other provisions of Sections 143.01 to 143.48, Revised Code. This, in turn, depends on whether the position is in the classified or unclassified service.

Section 143.08, Revised Code, specifies which positions are in the unclassified service and which are in the classified service. This section, as amended by Amended Substitute House Bill No. 794 of the 103rd General Assembly, effective November 2, 1959, reads in part as follows:

“The civil service of the state and the several counties, cities, city health districts, and city school districts thereof shall be divided into the unclassified service and the classified service.

“(A) The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required by sections 143.01 to 143.48, inclusive of the Revised Code:

“\* \* \*

“(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, and city school districts thereof, not specifically included in the classified service, to be designated as the competitive class and the unskilled labor class.

“\* \* \*

The position of director, research, statistics and promotion, bureau of unemployment compensation, is not one of those included in the unclassified service under division (A), above, and, thus, must be included in the classified service under division (B), above, unless excluded under some other provision of law.

It may be noted that the superintendent of banks, superintendent of securities and small loans and superintendent of building and loan associations are all excluded from the operation of Sections 143.09 and 143.10, Revised Code (See division (K) (4) of Section 143.09, Revised Code). The superintendent of building and loan associations is also so excluded under Sections 121.04 and 121.14, Revised Code. I am, however, unable to find any provision of law excluding the director, research, statistics and promotion, from the operation of said Sections 143.09 and 143.10, Revised Code.

In reviewing the effect of the amendments of Sections 143.08 and 143.09, Revised Code, and the enactment of Section 141.032, Revised Code, therefore, I find that the director is not included in the unclassified service under Section 143.08, Revised Code, and the director is not specifically exempted from the operation of Sections 143.09 and 143.10, Revised Code. On the other hand, Section 143.09, Revised Code, as effective January 1, 1960, does not contain a classification number, classification title, or pay range number for the position of director, research, statistics and promotion, bureau of unemployment compensation. A classification title, Executive VII, is, however, given such position under Section 141.032, *supra*. Reading all pertinent provisions of law together, therefore, I am of the opinion that the Legislature, in making enactments noted above, did not intend to remove the position of director, research, statistics and promotion from the coverage of the civil service classification statutes, Sections 143.01 to 143.48, Revised Code. The change in the law, therefore, will not necessitate the making of an appointment to the position, effective January 1, 1960.

Accordingly, it is my opinion and you are advised that under the provisions of Amended Substitute House Bill No. 591 of the 103 General As-

sembly, effective January 1, 1960, the position of director, research, statistics and promotion, bureau of unemployment compensation, will remain in the "classified" service within the purview of division (B) of Section 143.08, Revised Code, and the salary for such position, as of that date, will be that provided for the classification "Executive VII" under Sections 143.09 and 143.10, Revised Code.

Respectfully,

MARK McELROY

Attorney General