

3310.

APPROVAL, NOTES OF CONCORD RURAL SCHOOL DISTRICT, DELAWARE COUNTY, OHIO—\$2,846.00.

COLUMBUS, OHIO, June 9, 1931.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

3311.

PUBLIC UTILITIES COMMISSION—POWER TO ABOLISH IN GOOD FAITH A CIVIL SERVICE POSITION AND CONTINUE A SIMILAR UNCLASSIFIED SERVICE POSITION.

*SYLLABUS:*

1. *The Public Utilities Commission of Ohio may abolish a position under the classified service and continue a similar position under the unclassified service, if the position be abolished in good faith.*

2. *Section 496, as amended in 113 O. L. 16, does not give an employe in the classified service a right to require that the position he holds be continued by the Public Utilities Commission for his benefit, nor does it require that an unclassified employe in a similar position be discharged by the Public Utilities Commission to make place for him.*

COLUMBUS, OHIO, June 9, 1931.

*State Civil Service Commission, Columbus, Ohio.*

GENTLEMEN:—This is to acknowledge receipt of your letter of recent date, which reads as follows:

“We desire to respectfully request your opinion on the following matter.

Section 496 of the General Code provides in part as follows:

‘The Commission (Public Utilities Commission) shall have the power to appoint Attorney-Examiners, Experts, Engineers, and Accountants deemed necessary to carry out the provisions of this act, who shall be in the unclassified division of the civil service, and shall serve during the pleasure of the Commission at such salaries and compensation as the Commission may fix, provided that nothing in this act shall be construed to take out of the classified service any employes now in the classified service.’

About November 1, 1929, three appointments were made by the Public Utilities Commission in the unclassified service in accordance with Section 496, G. C., mentioned above. On January 31, 1930, there were employed in the Public Utilities Commission approximately eight Engineers in the classified service, together with the three Engineers in the unclassified service just mentioned.