

III 2

1. RELIEF, POOR—SECTION 3391-6 G. C. LIMITS AGGREGATE EXPENSE OF ADMINISTRATION BY LOCAL RELIEF AREA—TWELVE PER CENTUM OF TOTAL POOR RELIEF EXPENDITURES — EXCLUSIVE OF CERTAIN ENUMERATED ITEMS.
2. STIPULATIONS—FUNCTIONS BY CENTRAL RELIEF OFFICE—RELIEF DIRECTOR OR WELFARE DIRECTOR—SALARIES AND EXPENSES OF EMPLOYEES—EXPENDITURES.

SYLLABUS:

1. Section 3391-6, General Code, limits the aggregate expense of administering poor relief by a local relief area to twelve per centum of the total poor relief expenditures of such local relief area exclusive of the expense of maintaining the central clearing office, the certifying office of the county for federal relief agencies, the expense of and expenditures for the handling of federal surplus commodities, and for materials, supplies or equipment lawfully contributed to any public work relief project.

2. Where the functions enumerated are performed exclusively by a central relief office, the expenses and expenditures specifically excluded by Section 3391-6, General Code, should not be considered in the twelve per centum limitation; and where said functions are performed by a relief director or a welfare director the salaries and expenses of employees engaged in such administrative work should be prorated upon the basis of time consumed in the discharge of the various duties, and the actual expenditures should be charged to the function making such expenditures necessary.

Columbus, Ohio, August 1, 1946

Hon. Benson L. Owens, Prosecuting Attorney
Jackson, Ohio

Dear Sir:

Your request for my opinion reads:

“Section 3391-6 of the Ohio General Code reads as follows:

‘The aggregate expense of administering poor relief by a local relief area, excluding the expense of maintaining the central clearing office, the certifying office of the county for federal relief agencies, the expense of and expenditures for the handling of federal surplus commodities, and for materials, supplies or equipment law-

fully contributed to any public work relief project, shall not exceed twelve per centum of the total poor relief expenditures of such local relief area, computed on an annual basis.

All expenses of administering poor relief by local relief areas shall be paid out of poor relief funds. The expense of maintaining the central clearing office and the certification office for federal relief agencies in each county containing one or more cities which have not by contract surrendered their power to levy taxes for poor relief, or part or parts thereof, shall be paid as incurred out of the county treasury. The aggregate amount of such expenses shall be apportioned and charged back quarterly by the county commissioners among the local relief areas, or part or parts thereof, in the county, respectively, in proportion to the total number of relief persons in each during the next preceding calendar month.'

In connection with the interpretation and application of the above quoted section, I respectfully submit for your consideration and opinion the following question:

'Where the county commissioners have set up and are maintaining a central relief office, which office performs the functions of a central clearing office and a certifying office of the county for federal relief agencies, and as an office for the direct handling of surplus commodities, should the expenses of the one (1) administrative employee and the one (1) clerical employee entrusted with the supervision and operation of the said central relief office, be excluded in determining the aggregate expense of administering poor relief by a local relief area in determining whether or not said expenses come within the twelve per cent limitation, provided in section 339I-6.'

You have quoted Section 339I-6, General Code, in full in your inquiry and it is not necessary for me to repeat it here.

Section 339I-2, General Code, reads in part:

"7. There shall be created in each county a central clearing office for the purpose of keeping records of all persons in the county receiving public assistance after the effective date of this act. Such records shall set forth the kind of public assistance granted to each person as well as any other information required by the state director; provided, however, that

the state director may dispense with the establishment of a central clearing office in a county wherein records, in his judgment sufficient for the purpose, are maintained by either a public or a private agency. The board of county commissioners shall have authority to appoint the necessary assistants in the central clearing office. Such assistants shall be exempt from the provisions of sections 486-1 to 486-30, both inclusive, of the General Code."

Section 3391-8, General Code, reads:

"The board of county commissioners shall appoint a certifying agent whose duty it is to certify to federal relief agencies all persons eligible for employment. Such certifying agent may be the relief director of any local relief area within the county. The board of county commissioners may employ such additional personnel as may be necessary to assist the certifying agent to carry out the duties of his position.

Local relief authorities shall have the power to receive and distribute surplus commodities."

You have inquired concerning a situation where the county commissioners have set up and are maintaining a central relief office. I am not informed whether you have reference to a relief director appointed under the provisions of Section 3391-7, General Code, or the creating of a county department of welfare headed by a director of welfare as provided in Section 2511-1, et seq., General Code, or whether the county commissioners of Jackson County have appointed a certifying agent under the provisions of Section 3391-8, General Code, supra, and directed that such certifying agent shall also perform the duties of a central clearing office under Section 3391-2, General Code, and also direct the handling of surplus commodities, and is a separate and distinct office from that of either the relief director or the welfare director. In any event, it appears that Section 3391-6, General Code, quoted above, is sufficiently explicit to cover either of the three situations. It seems perfectly clear that in computing the twelve per centum limitation for administrative expenses there shall be excluded the expenses of maintaining the central clearing office, the certifying office of the county for federal relief agencies, and the expenditure of handling federal surplus commodities and expenditures for materials, supplies or equipment contributed to any public work relief project. Therefore, it would appear that in computing the twelve per centum limitation it makes no difference whether all such functions

are administered by one office or are distributed among two or more offices, and in either event all those expenditures excluded by specific provisions of the statute should not be taken into consideration in determining whether or not the administrative expenses for poor relief in the local relief area exceeds the twelve per centum of the total poor relief expenditures of such local relief area, computed on an annual basis. If, however, the functions of a central clearing office, a certifying agent and the direct handling of surplus commodities are administered upon a part-time basis by a relief director or a county welfare director, then the salary and expenses of the employee or officer engaged in such administrative work should be pro-rated upon the basis of time consumed in the discharge of the various duties, and the actual expenditures should be charged to the function making such expenditures necessary.

Therefore, in specific answer to your inquiry, you are advised that in my opinion where the county commissioners have set up and are maintaining a central relief office which performs the functions of a central clearing office and a certifying office of the county for federal relief agencies and also as an office for the direct handling of surplus commodities, expenses incurred in those connections by the administrative employee and the clerical employee intrusted with the supervision and operation of said central relief office should be excluded in determining whether the aggregate expense of administering poor relief in such local relief area comes within the twelve per centum limitation provided in Section 3391-6, General Code.

Respectfully,

HUGH S. JENKINS,
Attorney General.