

OPINION NO. 73-056**Syllabus:**

The payroll procedure outlined in Opinion No. 1006, Opinions of the Attorney General for 1964, is required only of those offices specifically mentioned in R.C. 325.27, namely, county auditor, county treasurer, probate judge, sheriff, clerk of the court of common pleas, county engineer, and county recorder.

To: John T. Corrigan, Cuyahoga County Pros. Atty., Cleveland, Ohio
By: William J. Brown, Attorney General, June 18, 1973

I have before me your request for my opinion, the question in which may be summarized as follows:

Is the payroll procedure outlined in Opinion No. 1006, Opinions of the Attorney General for 1964, mandatory for all county employees, including juvenile court, county commissioners, county coroner, county prosecutor, and many boards and agencies created by law, or is it required only of those offices specifically mentioned in R.C. 325.27?

In Opinion No. 1006, Opinions of the Attorney General for 1964, my predecessor was concerned with the question of whether the payroll procedure used by a county engineer fulfilled the requirements of R.C. 325.18. He concluded that the procedure used was not proper, and he proceeded to outline the proper procedure. However, that Opinion was limited in its scope to the employees of county engineers. I understand your question to be whether the procedure outlined by my predecessor is required for all county employees or only for certain enumerated ones.

R.C. 325.18, which sets forth the requirements for the issuance of warrants by a county auditor, reads, in part, as follows:

Before the county auditor issues a warrant

upon the county treasurer to any deputy, assistant, clerk, bookkeeper, or other employee provided for under Section 325.17 of the Revised Code, for his compensation, such person shall sign a receipt which shall be in the following form: * * * (Emphasis added.)

R.C. 325.17 provided for the hiring of certain county employees and reads, in part, as follows:

The officers mentioned in section 325.27 of the Revised Code may appoint and employ the necessary deputies, assistants, clerks, bookkeepers, or other employees for their respective offices, fix the compensation of such employees and discharge them, and shall file certificates of such action with the county auditor. * * *
 When so fixed, the compensation of each such deputy, assistant, bookkeeper, clerk, and other employee shall be paid bi-weekly from the county treasury, upon the warrant of the auditor. * * *

(Emphasis added.)

R.C. 325.27, which enumerates the officers who are empowered by R.C. 325.17 to appoint the necessary employees for their respective offices, reads, in part, as follows:

All the fees, costs, percentages, penalties, allowances, and other perquisites collected or received by law as compensation for services by a county auditor, county treasurer, probate judge, sheriff, clerk of the court of common pleas, county engineer, or county recorder, shall be received and collected. * * * (Emphasis added.)

It is apparent, from the statutes quoted above, that they are interrelated and must be read together. R.C. 325.18, which sets forth the county payroll procedure, applies to the employees provided for under R.C. 325.17. That Section, in turn, provides that certain employees may be appointed by the officers mentioned in R.C. 325.27, which officers are expressly limited to the county auditor, county treasurer, probate judge, sheriff, clerk of the court of common pleas, county engineer, and county recorder. I conclude, therefore, that the county payroll procedure provided under R.C. 325.18 is applicable only to the employees of those county officers mentioned in R.C. 325.27, namely, the county auditor, county treasurer, probate judge, sheriff, clerk of the court of common pleas, county engineer, and county recorder. The county commissioners, county coroner, and county prosecutor are not included in R.C. 325.27, and I can find no statutory authority specifying the payroll procedure to be used for the employees of these officers. This finding is reinforced by Opinion No. 69-153, Opinions of the Attorney General for 1969, in which my predecessor could find no statutory authority concerning the intervals at which the employees of these officers are to be paid.

In specific answer to your question it is my opinion, and you are so advised, that the payroll procedure outlined in Opinion No. 1006, Opinions of the Attorney General for 1964, is required only of those offices specifically mentioned in R.C. 325.27, namely, county auditor, county treasurer, probate judge, sheriff, clerk of the court of common pleas, county engineer, and county recorder.