

3288.

## APPROVAL, BONDS OF KNOX COUNTY, \$46,200, FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, July 3, 1922.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

3289.

## ADMINISTRATIVE CODE—APPOINTMENT AND REMOVAL OF DEPUTIES, ASSISTANTS AND OTHER EMPLOYEES VESTED IN DIRECTOR OF INDUSTRIAL RELATIONS—SECTION 871-14 G. C. CONSTRUED—BOARD OF BOILER RULES.

*Powers formerly exercised by the Industrial Commission under section 871-14 G. C. in the appointment and removal of deputies, assistants and other employes are vested under the Administrative Code in the Director of Industrial Relations. The Industrial Commission, therefore, has no authority to abolish a position in the Department of Industrial Relations even though that position constitutes an agency created for the purpose of assisting the Commission in the performance of the functions retained by it.*

COLUMBUS, OHIO, July 3, 1922.

*Department of Industrial Relations, HON. PERCY TETLOW, Director, Columbus, Ohio.*

GENTLEMEN:—You have requested the advice of this department as follows:

“I am submitting for your consideration a question at law which arises between the Director of Industrial Relations and the Industrial Commission of Ohio regarding the director's appointment of Herbert F. Cook to fill a vacancy in the Ohio Board of Boiler Rules caused by the death of H. A. Baumhart.

The statute creating the Ohio Board of Boiler Rules provided that said board would be appointed by the Boiler Division, with the approval of the Governor, and that the salary would be \$1,000 per annum. The Industrial Commission act—Section 871-11—permitted the legal existence of this board. On and after the first day of September, 1913, the board was superseded by the Industrial Commission. The records of the Industrial Commission, the journal entry, disclose that by resolution, acting under Section 871-14, the Commission created the Ohio Board of Boiler Rules in the same manner, and within the same resolution, as were the Chief Inspector of Mines, the Chief Inspector of Workshops and Factories and the Chief Examiner of Steam Engineers, the employes, with their salaries, being enumerated for each division.