

OPINION NO. 69-164

Syllabus:

A "satisfactory affidavit", as the phrase is used in Section 143.29, Revised Code, as amended, requires a written or printed statement under oath administered by a notary public pursuant to Section 147.07, Revised Code, containing sufficient facts so that the appointing authority is satisfied that the use of sick leave is justified.

To: Roger Cloud, Auditor of State, Columbus, Ohio
By: Paul W. Brown, Attorney General, December 24, 1969

I have before me your request for my opinion which asks, in essence, what the requirements are for a "satisfactory affidavit" as used in Section 143.29, Revised Code.

Section 143.29, Revised Code, as amended by the 108th General Assembly, (Amended Substitute Senate Bill 297) reads in pertinent part:

"The appointing authority for each employing unit shall require an employee to furnish a satisfactory affidavit to justify the use of sick leave."

The term "affidavit" is defined in Black's Law Dictionary, Fourth Edition, at page 80 as:

"A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath."

Essentially the same definition is contained in 57 O. Jur. 2d, Words and Phrases, at page 34.

In Ohio, the authority to administer an oath for an affidavit to be used for purposes other than in judicial proceedings is solely and expressly conferred on notaries public by Section 147.07, Revised Code, which reads in pertinent part:

"A notary public may, within the county for which he is appointed, or if commissioned for the whole state, throughout the state, administer oaths required or authorized by law.
* * *"

Therefore, it is my opinion and you are advised that a "satisfactory affidavit", as the phrase is used in Section 143.29, Revised Code, as amended, requires a written or printed statement under oath administered by a notary public pursuant to Section 147.07, Revised Code, containing sufficient facts so that the appointing authority is satisfied that the use of sick leave is justified.