

2082.

BUREAU OF UNEMPLOYMENT COMPENSATION, ADMINISTRATOR—NO AUTHORITY UNDER SECTION 1345-21 G. C. TO REQUIRE EMPLOYERS TO FURNISH INFORMATION — “FULL TIME WEEK”— QUESTIONNAIRE.

SYLLABUS:

*The authority of the Administrator of the Bureau of Unemployment Compensation to require employers to furnish information as to what constitutes a full time week discussed.*

Columbus, Ohio, March 27, 1940.

Hon. H. C. Atkinson, Administrator,  
Bureau of Unemployment Compensation, Columbus, Ohio.

Dear Sir:

Your recent request for my opinion is as follows:

"The Federal Social Security Board requests the Ohio Bureau of Unemployment Compensation to distribute the attached questionnaire to a selected group of employers.

A careful reading of Section 1345-21 under which this questionnaire is prepared raises a doubt in my mind as to whether I have a right to demand the information asked for in questions 2, 4, 5 and 6.

Will you be good enough to examine the questionnaire and the section of the law referred to and advise me."

Section 1345-21, General Code, to which you refer, provides as follows:

"Every employer whether or not otherwise subject to this act shall keep a true and accurate employment record of all his employees, whether qualified and eligible to benefits or not, and of the hours worked by each employee and of the wages paid to each, and shall furnish to the commission upon demand a sworn statement of the same. Such record shall be open to inspection by the commission or its authorized representatives at any reasonable time."

This section provides merely that employers, whether or not they are subject to the act, shall keep a true and accurate employment record of their employees and of the hours worked by and the wages paid to each employe and shall furnish a sworn statement thereof to the Commission (now the Bureau of Unemployment Compensation) upon demand. This section further provides for inspection of such record by duly authorized representatives of the Bureau at any reasonable time. The information sought to be obtained by questions numbers 2, 4, 5 and 6 of the questionnaire which you enclose with your communication has to do with what constitutes a full time week and Section 1345-21, General Code, does not appear to be broad enough in its scope to require employers to furnish such information sought to be elicited by these questions.

Whether or not you are empowered under any section of law other than that referred to in your letter, to compel any employer to give the information in question, is not asked by you and I am therefore rendering no opinion thereon.

Therefore, in answer to your specific question, you are advised that in my opinion section 1345-21, General Code, does not authorize you to compel employers to furnish the information sought to be obtained by questions numbers 2, 4, 5 and 6 of the questionnaire submitted.

Respectfully,

THOMAS J. HERBERT,  
Attorney General.