

I am herewith returning to you said corrected abstract of title, warranty deed form, encumbrance estimate No. 1011, controlling board certificate and other files submitted to me, relating to this matter.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2143.

MUNICIPALITY—RIGHT TO PAY FOREIGN ORGANIZATION FOR FURNISHING QUESTIONS FOR CIVIL SERVICE EXAMINATIONS.

SYLLABUS:

A municipality may lawfully pay a fixed amount per year to the Bureau of Public Personnel Administration for questions furnished in connection with the examination of applicants under the civil service law.

COLUMBUS, OHIO, July 23, 1930.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Your recent communication requesting my opinion reads:

“May a municipality legally pay a fixed amount per year to the Bureau of Public Personnel Administration, Chicago, Ill., for assistance in preparing questions for Civil Service Examinations? The Bureau agrees to furnish questions in connection with examinations of any and all descriptions upon request.

Opinions Nos. 109, Feb. 21st, 1929, and 1453, January 27th, 1930, may be pertinent.”

In my Opinion No. 1453, issued to you under date of January 27th, 1930, and to which you refer, an extensive discussion was made relative to the power of municipalities to provide for a subscription to the Bureau of Public Personnel Administration and also a fee for membership in the Civil Service Assembly of the United States and Canada, and other similar projects. In that opinion, the case of *State ex rel. vs. Semple*, 112 O. S. 559, was cited, as well as my opinion No. 109, issued under date of February 21st, 1929, which held that a city could not legally expend its funds for the services and periodicals of an association known as the “Conference of Ohio Municipalities” in the absence of a specific charter provision authorizing the same.

In my opinion No. 1453, hereinabove referred to, it was concluded that funds could not be expended for the purposes hereinbefore mentioned for the reason that such an expenditure of public money would aid an organization operated with a view to gain, which would be in violation of Section 6, Article VIII of the Constitution of Ohio.

In the present instance, however, the situation is somewhat different. While your communication does not give in detail the character of the service which is to be furnished, it apparently covers primarily the furnishing of questions in connection with examinations of various descriptions. The municipality has the undoubted right to provide for the payment of all legitimate expenses of the civil service commission. The question is therefore solely whether an expenditure for this type of service constitutes a legitimate expense.

Undoubtedly the municipality may purchase stationery and other supplies used in connection with the official business of the civil service commission. In certain types of public employment, it is undoubtedly legitimate to purchase standard text books and also periodicals which enable the public employes to keep abreast of the progress of the particular science or art in which they are engaged. Thus, it is certainly legitimate to subscribe for legal and medical journals for the use of public employes.

It would be unreasonable to assume that the members of a civil service commission must be expert in all of the various lines with respect to which they must give examinations. While Section 486-5, General Code, permits the commission to employ examiners, inspectors, clerks and other assistants to carry out its duties, and such authority comprehends a temporary employment of certain examiners who may be conversant with the particular type of employment, yet I do not believe that this section negatives the right of the commission to secure information with respect to its duties from text books and periodicals.

While the service here in question is not a periodical, yet it furnishes information which may be of service to the commission in conducting its examinations, and I see no reason why the right to subscribe should be denied.

Of course, the commission may not abdicate its functions and turn over the conducting of the examinations to any one. The examination questions furnished, however, will undoubtedly prove useful, and a part or all of them may be adopted as questions of the commission without surrendering the functions of the commission in any way.

It is also true that the public money may not be expended for the purpose of educating public employes. This principle has been announced in many opinions of this office. I do not feel, however, that it has application here.

I am not here passing upon the propriety of the course suggested. There may be reasons which would make the general employment of questions prepared other than by the commission itself undesirable. The thought suggests itself that these questions might perhaps be obtained by candidates for employment before the examinations, or that answers might be available. However that may be, this is a question for the discretion of the commission and, in the absence of an abuse of that discretion, I feel that the expenditure should be treated as legitimate.

In view of the foregoing, it is my opinion that a municipality may lawfully pay a fixed amount per year to the Bureau of Public Personnel Administration for questions furnished in connection with the examination of applicants under the civil service law.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2144.

CIVIL SERVICE—PERSON DRAFTED IN WORLD WAR AND DISCHARGED SIX DAYS LATER FOR PHYSICAL DEFICIENCY NOT ENTITLED TO ADDITIONAL CREDIT IN EXAMINATION.

SYLLABUS:

A person inducted into the military service of the United States by a local draft board on the 27th day of August, 1918, and discharged from the draft on the 2nd day of September, 1918, because of physical deficiency, upon filing such certificate of service and discharge with the civil service commission is not entitled to receive additional