

2069.

APPROVAL, BONDS OF GREEN TOWNSHIP RURAL SCHOOL DISTRICT,
SCIOTO COUNTY, \$9,000.00, SCHOOL IMPROVEMENTS.

COLUMBUS, OHIO, December 12, 1924.

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

2070.

COUNTY MORGUE—COUNTY COMMISSIONERS MAY EMPLOY JANITORS AND SUPERINTENDENT, IN ADDITION TO EMPLOYEES MENTIONED IN SECTION 2856-2, GENERAL CODE.

SYLLABUS:

County commissioners may employ janitors and a superintendent of a morgue, in addition to the employes mentioned in Section 2856-2, General Code.

COLUMBUS, OHIO, December 12, 1924.

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

Gentlemen:—

I am in receipt of your communication as follows:

“Where a coroner under the provisions of Section 2856-2 General Code, 109 O. L., 544, has appointed an official stenographer at a salary of \$150.00 per month and three assistant custodians of the morgue at salaries of \$125.00 per month each, may the county commissioners employ janitors and a superintendent of the morgue in addition to such other employes?”

Section 2856-1, General Code, 109 O. L., p. 543, provides:

“In counties in which there is maintained a county morgue the coroner shall be the official custodian thereof. He shall be authorized to appoint necessary assistant custodians for such morgue and prescribe their duties.”

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Section 2856-2, General Code, 109 O. L., p. 544, provides:

“In counties where there is maintained a county morgue, the coroner may also appoint necessary assistant custodians of the morgue, in no case to exceed three in number, whose compensation shall be the sum of one hundred and twenty-five dollars, payable out of the general county fund upon the warrant of the county auditor to be issued upon presentation of voucher duly certified by the coroner.”

Under these sections the coroner is made the custodian of the county morgue and is authorized to appoint three assistant custodians. As the coroner is made the custodian of such morgue, it is believed that the duties of an assistant custodian would be similar in nature to the duties of the coroner as such custodian. There are no statutes relating to a county morgue other than sections 2856-1 and 2856-2.

Section 2410, General Code, provides:

"The board may employ a superintendent, and such watchman, janitors and other employes as it deems necessary for the care and custody of the court house, jail and other county buildings, and of bridges, and other property under its jurisdiction and control."

This section authorizes the county commissioners to employ a superintendent, watchman, janitors and other employes for county buildings. That a county morgue is a county building or is brought under the jurisdiction and control of the county, is a question which it is believed is not open to doubt.

Section 2419, General Code, in part provides:

"A court house, jail, public comfort station, offices for county officers and an infirmary shall be provided by the commissioners when in their judgment they or any of them are needed. Such buildings and offices shall be of such style, dimensions and expense as the commissioners determine."

This section authorizes the county commissioners to provide offices for county officers. As there is no statute providing for a county morgue specifically, the provision of such morgue must be by virtue of this section. If a morgue is provided by the county commissioners and is in a building where janitor service is not available and is not a part of the contract, it would seem logical that such services should be provided by some one. There is no provision among the sections relating to coroner authorizing a coroner to employ janitors, superintendents or other employes, except assistant custodian.

It is therefore my opinion that county commissioners may employ janitors and a superintendent of a morgue, in addition to the employes mentioned in Section 2856-2, General Code.

Respectfully,
C. C. CRABBE,
Attorney General.