

If supervision districts could not be formed by boards other than the county board of education in 1918, nothing has been enacted by the general assembly since that time which would give any rural board of education in control of a township the power to provide for supervision of the schools other than that growing out of the county supervision provided for in the Kumler bill (Senate Bill 200) as enacted in 109 O. L.

In reply to your specific question, you are therefore advised that it is the opinion of the Attorney-General that a rural board of education is without authority to elect a superintendent of schools under the general language of 7690 G. C., since the general assembly has provided for county supervision of schools by a county superintendent and such assistant county superintendents as may be selected by the county board of education.

Respectfully,

JOHN G. PRICE,
Attorney-General.

2325.

CIVIL SERVICE—SECTION 486-10 G. C. APPLICABLE TO STATE AND MUNICIPAL COMMISSIONERS—SOLDIERS AND SAILORS ELIGIBLE TO CIVIL SERVICE LISTS OF BOTH COMMISSIONS IN MANNER PRESCRIBED IN ABOVE SECTION.

Section 486-10 G. C. applies to examinations by both state and municipal civil service commissions.

COLUMBUS, OHIO, August 12, 1921.

State Civil Service Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of the receipt of the following inquiry:

"We are in receipt of an inquiry from C. E. Burke, clerk, civil service commission, Middletown, Ohio, which reads as follows:

'Does section 486-10, General Code, apply to municipalities? That is, can soldiers and sailors be placed on the municipal civil service eligible lists in the manner prescribed in said section?'

'This commission would appreciate an opinion from you in this matter.'

Section 486-1 G. C. reads, in part:

"1. The term 'civil service' includes all offices and positions of trust or employment in the service of the state and the counties, cities and city school districts thereof.

* * * * *

5. The term 'municipal commission' signifies the municipal civil service commission of a city.

6. The term 'appointing authority' signifies the offices, commission, board or body having the power of appointment to or removal from positions in any office, department, commission, board or institution.

7. The term 'commission' shall signify either the state civil service

commission of Ohio or the civil service commission of any municipality.

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Secton 486-10 G. C. reads, in part:

"All applicants for positions and places in the classified service shall be subject to examination which shall be public, competitive, and free for all, within certain limitations, to be determined by the commission, as to citizenship, residence, age, sex, experience, health, habits and moral character; provided, however, that any soldier, sailor, marine or Red Cross nurse who has served in the army or navy or hospital service of the United States in the war of the Rebellion, the war with Spain, or the war with the Central Powers of Europe who has been honorably discharged therefrom and is a resident of Ohio, may file with the civil service commission a certificate of service and honorable discharge, whereupon his name shall be placed upon an eligible list by the commission, from which eligible list he may be appointed to any position in the civil service of the state which such appointing power may deem him qualified to fill. Such examinations shall be practical in character and shall relate directly to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the position for which appointment is sought, and shall, when appropriate, include tests of physical qualifications, health and manual skill. * *

It will be observed that part seven of section 486-1, supra, defines "commission" so as to include that of "any municipality." And whenever in said section the phrase "the commission" appears it means in a proper case the commission of a municipality, except where the context implies that a state commission is meant, or where the word "commission" is qualified by a limiting word, as "state" or "municipality."

It is pointed out that section 486-10 G. C., supra, says: "Whereupon his name shall be placed upon an eligible list by the commission, from which eligible list he may be appointed to any position in the civil service of the state which such appointing power may deem him qualified to fill." "Civil Service" is defined to mean: "All offices and positions of trust or employment in the service of * * * a city"; and "appointing power" may mean a city official who appoints or employs a person for a city position.

It is therefore believed that section 486-10 G. C. applies to examinations by both municipal and state civil service commissions.

Respectfully,

JOHN G. PRICE,
Attorney-General.