

In an opinion rendered by a former Attorney General on July 11, 1916, and found in Volume II, Opinions of the Attorney General for 1916, page 1186, it was held as follows:

“Offices, positions and employments in villages and village school districts are not included in the operation of the civil service law of this state.”

The then Attorney General said in the course of his opinion, at page 1187, as follows:

“This paragraph specifies what offices, positions and employments are included in the civil service law of the state and it is exclusive. It will be observed that it does not include offices or positions in villages, or village school districts. It follows, therefore, that the position held by the janitor named in your inquiry is not within the operation of the civil service law, and said janitor is not entitled to its protection or to hold his position under any of its provisions, including the provision of Section 486-31 G. C., as amended 106 O. L. 418, referred to in your inquiry and commonly known as the seven-year service clause.”

Since the Legislature has not seen fit to include city health districts within the provisions of the civil service laws, I am therefore of the opinion that employes of a city health district do not come within the provisions of the civil service act (Section 486-1 to 486-31 of the General Code, inclusive).

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

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2557.

CIVIL SERVICE ACT—OFFICERS AND EMPLOYEES OF EXEMPTED VILLAGE, VILLAGE, RURAL AND COUNTY SCHOOL DISTRICTS ARE NOT WITHIN.

**SYLLABUS:**

*The officers and employes of exempted village school districts, village school districts, rural school districts and county school districts do not come within the provisions of the civil service act (Sections 486-1 to 486-31, inclusive, General Code.)*

COLUMBUS, OHIO, August 23, 1930.

*The State Civil Service Commission of Ohio, Wyandotte Building, Columbus, Ohio.*

GENTLEMEN:—I am in receipt of your letter of recent date which is as follows:

“We are in receipt of the following inquiry from the Ohio State Association of Public School Employes in regard to Section 486-(a)-8 of the Civil Service Laws of Ohio, upon which we desire to respectfully request your opinion:

‘Does this law apply to all boards of education in the State of Ohio, i. e. county boards of education, village boards of education, etc.’”

Civil service legislation of this state is contained in Sections 486-1 to 486-31,

inclusive, of the General Code of Ohio. Section 486-1, paragraph 1, of the General Code, provides as follows:

“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.”

Section 486-8 of the General Code provides in part as follows:

“The civil service of the State of Ohio and the several counties, cities and city school districts thereof shall be divided into the unclassified service and the classified service.”

You will note from a reading of these sections that the Legislature provided that the civil service of the state shall include all offices and positions of trust or employment in the service of the state and the counties, cities and city school districts thereof. Therefore the question arises whether or not it was the intention of the Legislature to include other school districts not mentioned in the act.

Section 4679 of the General Code classifies the school districts of the state as city school districts, exempted village school districts, village school districts, rural school districts and county school districts. All school districts are separate political entities, separate and apart from the usual political subdivisions of the state. See *Cline vs. Martin, et al.*, 94 O. S., at page 426.

At the time the civil service legislation was enacted in this state school districts were classified as city school districts, township school districts and special school districts. The fact that the Legislature expressly included city school districts at a time when there were other school districts in existence indicates very clearly that it was not the intention of the Legislature to include school districts other than city school districts. It has been consistently held by numerous attorneys general that since the Legislature provided that the civil service of this state shall include all offices and positions of trust or employment in the service of the state and the counties, cities and city school districts, therefore, all other political entities were excluded from the provisions of the civil service laws. See Opinions of the Attorney General, 1916, Vol. I, page 275; Opinions of the Attorney General, 1916, Vol. II, page 1186; Opinions of the Attorney General, 1918, Vol. II, page 1594; Opinions of the Attorney General, 1919, Vol. I, page 217; Opinions of the Attorney General, 1927, Vol. II, page 1006.

In O. Jur., Vol. 7, at page 541, it is stated:

“As previously stated the law provides that the term ‘civil service’ shall include ‘all offices and positions of trust or employment in the service of the state and the counties, cities and city school districts thereof’. It follows, of course, that offices and positions which are not in the service of the state or of one of the political subdivisions named are not included. Hence the civil service law of Ohio does not apply to offices, positions and employments in villages or village school districts, nor to officers and employees of a district tuberculosis hospital created under Sections 3148, et seq., of the General Code, nor to employees of the board of park commissioners of the Cleveland Metropolitan Park District; nor to employees of a county library district, since such district is an entity separate and distinct from the county itself even though it may be coextensive with its territorial limits.”

In the Opinions of the Attorney General for 1916, Vol. II, page 1187, it was held, as shown by the syllabus, that offices, positions and employments in villages and village

school districts are not included in the operation of the civil service laws of this state.

In view of the discussion herein and the authorities cited, I am of the opinion that the officers and employes of exempted village school districts, village school districts, rural school districts and county school districts do not come within the provisions of the civil service act (Sections 486-1 to 486-31, inclusive, General Code).

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

2258.

CITY BOARD OF HEALTH—LOCAL REGISTRAR OF VITAL STATISTICS  
COMES WITHIN THE PROVISIONS OF CIVIL SERVICE LAW AND  
MAY BE REMOVED BY SUCH BOARD.

*SYLLABUS:*

1. *The district board of health of a municipality is authorized to remove a local registrar of a city in accordance with the provisions of the civil service laws.*

2. *A local registrar of a city is included in the classified civil service of the State of Ohio.*

COLUMBUS, OHIO, August 23, 1930.

HON. CHARLES A. NEAL, *Director of Health, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date in which you request my opinion on the following questions:

“1. Can a local registrar of vital statistics be removed from his office by action of a city board of health?

2. Is the position of local registrar of vital statistics in the classified civil service (a) municipal, (b) state, so that an appointment to this office would have to be made from an eligible list, or later take a civil service examination if a provisional appointment is made?”

I will discuss these questions in reverse order for reasons which will appear in the discussion that follows:

Section 201, General Code, provides in part as follows:

“In villages the village clerk and in townships the township clerk shall be the local registrar, and in cities the city board of health shall appoint a local registrar of vital statistics, and each shall be subject to the rules and regulations of the state registrar, the provisions of this chapter and to the penalties provided by law. \* \* \* ”

You will observe that the village clerk and the township clerk are designated as the local registrar of the village and township respectively. The local registrar of a village is a village officer and the local registrar of a township is a township officer; the fact that additional duties have been imposed upon them by virtue of the provisions of the section relating to the bureau of vital statistics, does not change the status of these officers. Since these officers are elective officers, they are not included in the classified civil service of the state and a further discussion of the application of the civil service laws with respect to them is unnecessary.