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CIVIL SERVICE—PERSONS TEMPORARILY OCCUPYING POSITIONS
IN CLASSIFIED SERVICE—SECTION 486-23 G. C. APPLICABLE—
POLITICAL ACTIVITY OF SUCH PERSONS PROHIBITED.

The provisions of section 486-23 G. C. apply to persons temporarily occupying positions in the classified service under the provisions of paragraph 1 of section 486-14 G. C.

COLUMBUS, OHIO, April 24, 1920.

State Civil Service Commission, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of your letter of March 2, reading as follows:

“It has come to the attention of the commission that a person occupying a position in the classified service by virtue of provisional appointment under paragraph 1 of section 486-14 of the civil service law, is an active member of a political committee. Your advice and opinion is respectfully requested as follows:

Do the provisions of section 486-23 of the civil service law apply to persons temporarily occupying positions in the classified service under the provisions of paragraph 1 of section 486-14 of the civil service law?”

Pertinent to this question are the following statutes:

Section 486-8 G. C.:

“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. * * *

(b) The classified service shall comprise all persons in the employ of the state, the several counties, cities and city school districts thereof, not specifically included in the unclassified service, to be designated as the competitive class and the unskilled labor class * * * .”

Section 486-14 G. C.:

“Positions in the classified service may be filled without competition as follows:

1. Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the commission is unable to certify to the appointing officer, upon requisition by the latter, a list of persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the commission for non-competitive examination, and if such nominee shall be certified by the commission as qualified after such non-competitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until regular appointment can be made from eligible lists prepared by the commission, and such eligible lists shall be prepared within ninety days thereafter. In case of an emergency an appointment may be made without regard to the rules of this act, but in

no case to continue longer than thirty days, and in no case shall successive appointments be made: provided, however, that interim or temporary appointments, made necessary by reason of sickness or disability of regular officers, employes or subordinates shall continue only during such period of sickness or disability, subject to rules to be provided for by the commission.

* * * ”

Section 486-23 G. C.:

“No officer, employe or subordinate *in the classified service*, of the state, the several counties, cities and city school districts thereof, shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or for any candidate for public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting any such assessment, contribution or payment from any officer, employe, or subordinate in the classified service of the state, the several counties, cities or city school districts thereof; nor shall any officer or employe in the classified service of the state, the several counties, cities and city school districts thereof be an officer in any political organization or take part in politics other than to vote as he pleases and to express freely his political opinions.”

It will be observed that the section just quoted contains no exception relative to persons holding temporary or provisional appointments to positions in the classified service. The language is inclusive—“No person, employe or subordinate *in the classified service*.”

Nor am I able to find in any other statute any evidence of an intention on the part of the legislature to apply to temporary or provisional appointees any other rule than that stated generally in section 486-23 G. C. On the contrary, it would seem that the policy of the civil service law, as evidenced by section 486-23 G. C., would be as much offended by improper political activities on the part of a temporary appointee as by the political activities of a permanent appointee.

I am therefore of the opinion that the provisions of section 486-23 G. C. apply to persons temporarily occupying positions in the classified service under the provisions of paragraph 1 of section 486-14 G. C.

Inasmuch as your query does not indicate what kind of a political committee the person you have in mind is “an active member of,” no opinion is here expressed as to whether such person is “an officer in any political organization,” as those words are used in section 486-23 G. C.

Respectfully,

JOHN G. PRICE,
Attorney-General.