

6614

STUDY—REFRESHER COURSE—ENGINEERS IN TRAINING—  
DIRECTOR OF HIGHWAYS—NO LEGAL AUTHORITY TO RE-  
IMBURSE A PART OF COST—ENGINEERS EMPLOYED BY  
DEPARTMENT OF HIGHWAYS.

SYLLABUS:

The Director of Highways has no legal authority to reimburse a part of the cost of a special refresher course for Engineers in Training, employed by the department of highways.

Columbus, Ohio, May 17, 1956

Hon. S. O. Linzell, Director of Highways  
State of Ohio, Columbus, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“Under date of April 2, 1956 I submitted a request to the Controlling Board in the following language:

“The Ohio Society of Professional Engineers has made arrangements for a special refresher course, to be given in April and May of this year, for the Engineers in Training who plan to take the examination for registration as Professional Engineers. Due to the difficulty of securing and retaining quali-

fied engineers in the Department, your consent is solicited for the Department to make reimbursement, as an authorized expense, of \$30.00 of the fee of \$45.00 for the refresher course, to those employees of the Department who take the course. Industrial firms are carrying out this plan as an incentive for their employees to take the course to prepare for the examination and qualify for registration. For instance, North American Aviation, Inc., is paying two thirds of the fee outright; Jeffrey Manufacturing Co., is paying one third now and one third upon successfully passing the examination for registration.

“It is the opinion of the Department that the reimbursement of the \$30.00 of the fee will be an added incentive for and an expression of interest by the Department in the qualification of the employee for registration and promotion to a salary bracket which will make him satisfied to remain in the Department rather than seek employment in private industry where he might not require registration as a Professional Engineer.

“The names of the employees who have arranged to take the refresher course, and are now doing satisfactory work in the Department, are:’

“Following the above quoted language the request listed the names of fifteen persons indicating the bureau or division in which they are working.

“I have been advised by the secretary of said Controlling Board that if such an expenditure is legal no approval of said board is necessary.

“Will you please advise whether the director of highways may properly expend money for said purposes?”

The second paragraph of Section 5501.10, Revised Code, authorized the Director of Highways as follows:

“The director may appoint clerks and stenographers, and such other engineers, inspectors, and other employees \* \* \*. All such employees and appointees shall, in addition to their salaries, receive their actual necessary traveling expenses when on official business.”

It will be noted that only actual necessary traveling expenses when on official business can be paid a state highway employee in addition to his salary. The reimbursement of part of the cost of a special refresher course for Engineers in Training would amount to an employee receiving compensation or remuneration in addition to his salary and actual necessary traveling expenses.

It would result in expending public funds for the benefit of the individual, even though the employee may secure further knowledge in engineering which would be helpful in his duties with the Highway Department.

A similar question was presented to this office in Opinion No. 1016, Opinions of the Attorney General for 1946, p. 428. It was held:

“The department of highways is without legal authority to pay the tuition fees of ten of its employees who heretofore enrolled in a course of instruction in welding at Ohio State University.”

In specific answer to your request, it is my opinion that the Director of Highways has no legal authority to reimburse a part of the cost of a special refresher course for Engineers in Training, employed by the department of highways.

Respectfully,  
C. WILLIAM O'NEILL  
Attorney General