

I am of the opinion that the attached summary is a fair and truthful statement of the proposed constitutional amendment and accordingly submit for uses provided by law the following certification :

“I, Thomas J. Herbert, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of section 4785-175, of the General Code of Ohio, hereby certify that, in my opinion, the attached summary is a fair and truthful statement of the proposed amendment of the Constitution of Ohio to amend sections 1, 2, 15, 16, 17 and 18 of Article III, by adopting and adding thereto four new sections (i. e., Sections 2a, 2b, 2c and 2d) ; by adopting and adding to Article X fourteen new sections (i. e., Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18) ; by amending section 4 of Article XV ; by amending section 2 of Article II ; and by amending sections 1 and 2 of Article XVII.”

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

840.

---

PETITION—TO AMEND CONSTITUTION OF OHIO, ARTICLE XVIII BY ADDING TWENTY-THREE NEW SECTIONS, 4-26 INCLUSIVE—RECALL ANY PUBLIC OFFICER—BY PETITION—PROCEDURE—SECTION 4785-175 G. C.

COLUMBUS, OHIO, July 1, 1939.

MR. CHARLES H. HUBBELL, *Attorney-at-Law, 1924 West Boulevard, Cleveland, Ohio.*

DEAR SIR: You have submitted for my examination a written petition bearing over one hundred names, containing a proposed constitutional amendment and a summary of the same under Section 4785-175, General Code. It is proposed to amend Article XVIII of the Constitution of the State of Ohio by adopting and adding thereto twenty-three new sections (i. e., Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26). Copies of said proposed constitutional amendment and summary thereof are hereto attached.

I am of the opinion that the attached summary is a fair and truthful statement of the proposed constitutional amendment and accordingly submit for uses provided by law the following certification :

“I, Thomas J. Herbert, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provi-

sions of section 4785-175, of the General Code of Ohio, hereby certify that, in my opinion, the attached summary is a fair and truthful statement of the proposed amendment of the Constitution of Ohio by the adoption of Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 of Article XVIII."

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

---

841.

CIVIL SERVICE, STATE—WHERE FOUR CALCULATING MACHINE OPERATORS EMPLOYED—TWO SERVED PROBATIONARY PERIOD—TWO NOT YET COMPLETED PROBATIONARY PERIOD—POSITIONS ABOLISHED—LATER, TWO POSITIONS RECREATED—STATUS OF EMPLOYEES ON ELIGIBLE LIST.

*SYLLABUS:*

*Where, within a department of state, there are employed four calculating machine operators, two of whom are serving a probationary period and two of whom have completed the probationary period, and the positions occupied by those who have permanent status are abolished and thereafter, after those two persons serving probationary periods have achieved permanent status, such other two positions are abolished and it subsequently becomes necessary to recreate two of the four abolished positions, it is required that the Civil Service Commission, in the same manner as provided for original appointments, certify to the appointing authority an eligible list bearing the names of all four of the incumbents displaced from employment by such abolishments.*

COLUMBUS, OHIO, July 1, 1939.

HON. CARL W. SMITH, *Chairman, Civil Service Commission of Ohio, State Office Building, Columbus, Ohio.*

DEAR SIR: Your request for my opinion reads as follows:

"In a major department of the state service the following unusual situation recently occurred:

There were four Calculating Machine Operators appointed from certification but serving their probationary period of ninety days. Under date of February 1, 1939, the Director of the Department abolished two of the four positions, the incumbents of