

OPINION NO. 89-034**Syllabus:**

R.C. 311.01(D) does not entitle a newly elected sheriff who attends a training course before taking office to be compensated for performing the duties of sheriff. However, R.C. 311.01(D) does provide that the costs of such person's tuition, meals, lodging and travel shall be paid from state funds appropriated for this purpose.

To: Jeffrey M. Welbaum, Miami County Prosecuting Attorney, Troy, Ohio
By: Anthony J. Celebrezze, Jr., Attorney General, May 16, 1989

I have before me your request for my opinion concerning compensation for attending a sheriff's basic training course. Specifically, you ask whether a newly elected sheriff is entitled under R.C. 311.01(D) to be compensated for attending, before taking office, the basic training course mandated by that section.

R.C. 311.01(D) provides:

Appointed and newly elected sheriffs shall attend the first basic training course conducted by the Ohio peace officer training council pursuant to division (A) of section 109.80 of the Revised Code within six months following the date of their appointment or election to the office of sheriff. Any appointed or newly elected sheriff whose required attendance at the basic training course is waived by the council under division (C) of section 109.80 of the Revised Code because of medical disability or for other good cause shall attend the course when it is next offered by the council after the date on which the disability or other cause terminates. Sheriffs other than appointed and newly elected sheriffs also may attend the course. *While attending the basic training course, sheriffs shall receive their regular compensation in the same manner and amounts as if they were carrying out their regular powers and duties.* Five days of instruction at the course shall be considered equal to one week of work. *The costs of conducting the basic training course and the costs of meals, lodging, and travel of those appointed and newly elected sheriffs attending the course shall be paid from state funds appropriated to the council for this purpose.* (Emphasis added.)

See also R.C. 311.01(H)(2) (defining "newly elected sheriff" as "a person who did not hold the office of sheriff of a county on the date he was elected sheriff of that county").

Plain and unambiguous statutory language leaves no occasion to resort to rules of statutory construction. *State ex rel. Stanton v. Zangerle*, 117 Ohio St. 436, 159 N.E. 823 (1927); *Swetland v. Miles*, 101 Ohio St. 501, 130 N.E. 22 (1920). R.C. 311.01(D) requires appointed or newly elected sheriffs to attend a basic training course and permits other sheriffs to attend. The statute also provides that "sheriffs shall receive their regular compensation in the same manner and amounts as if they were carrying out their regular powers and duties." A newly elected sheriff who is attending a course before he takes office clearly does not fit within this language. Such a person is not yet receiving "regular compensation" from the county for performing the "regular powers and duties" of county sheriff. A person who is not yet performing the duties of sheriff cannot be compensated for the sheriff's duties. Therefore, a newly elected sheriff who attends a training course before taking office is not entitled to this compensation. Furthermore, the statute specifically addresses the remuneration a newly elected sheriff is to receive. Pursuant to the last sentence of R.C. 311.01(D), the costs of tuition, meals, lodging, and travel shall be paid for appointed and newly elected sheriffs attending the course.

Therefore, it is my opinion and you are advised that R.C. 311.01(D) does not entitle a newly elected sheriff who attends a training course before taking office to be compensated for performing the duties of sheriff. However, R.C. 311.01(D) does provide that the costs of such person's tuition, meals, lodging and travel shall be paid from state funds appropriated for this purpose.