

226.

APPROVAL, NOTES OF SCIOTO RURAL SCHOOL DISTRICT, PICK-
AWAY COUNTY, OHIO—\$2,650.00.

COLUMBUS, OHIO, March 17, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

227.

PHYSICIAN—COUNTY INFIRMARY—NOT SUBJECT TO CIVIL SER-
VICE.

SYLLABUS:

A physician engaged by the county commissioners to furnish medical relief and medicine to the inmates of a county infirmary, as provided by section 2546, General Code, is not an employe within the meaning of the civil service law and is not subject to the provisions of section 486-8, sub-paragraph (b), General Code.

COLUMBUS, OHIO, March 18, 1933.

The State Civil Service Commission, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your letter which reads as follows:

“Your opinion is respectfully requested as to whether Section 2546 of the General Code of Ohio which provides that no contract for a County Home Physician shall extend beyond one year, places such position in the unclassified service, or whether Section 486-8, sub-paragraph (b) applies, which states that 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.”

It was held in the Opinions of the Attorney General for 1917, at page 394, that:

“A physician employed by the county commissioners under section 2546 of the General Code is not under the civil service laws.”

The then Attorney General grounded his holding in that opinion on the fact that section 2546, General Code, at that time provided that the physician who was the lowest competent bidder should be selected by the county commissioners to furnish medical relief and medicine. Section 2546, amended in 102 O. L. 433, 436, then read in part as follows:

“County commissioners may contract with one or more competent physicians, to furnish medical relief and medicines necessary for the persons of their respective townships to come under their charge, but no