

This section enumerates certain positions which shall not be included in the classified service, and, after making such enumeration in the unclassified service, provides further as follows:

“The classified service shall comprise all persons in the employ of the state, the several counties, cities, and city school districts thereof, not specially included in the unclassified service, to be designated as the competitive class and the unskilled labor class. The competitive class shall include all positions and employments now existing or hereafter created in the state, the counties, cities and city school districts thereof, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer or reduction, as provided in this act, and the rules of the commission, by appointment from those certified to the appointing officer in accordance with the provisions of this act.”

I have not enumerated the positions of the unclassified service. It is sufficient to say that the position of superintendent of a county tuberculosis hospital and the employees of such hospital are not included in the unclassified service.

It follows, therefore, that the superintendent and other employees are included in the classified service.

Attention is directed to an opinion rendered to the Civil Service Commission by the Honorable Edward C. Turner on December 17, 1927, found in the Opinions of the Attorney General, 1927, Vol. IV, page 2525. The third branch of the syllabus of that opinion is as follows:

“It is the duty of the civil service commission, upon the request of the county commissioners, to certify a list of eligible candidates from which an appointment can be made to the position of medical superintendent of the Franklin County Tuberculosis Hospital, or if such list is not available to hold a competitive examination to provide such list.”

In view of the discussion herein, I am of the opinion that the superintendent of a county tuberculosis hospital, and the other employees of such hospital, are included in the classified civil service of the State of Ohio.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

1837.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND SNEAD AND COMPANY OF JERSEY CITY, NEW JERSEY, FOR CONSTRUCTION OF BOOKSTACKS FOR MUSEUM AND LIBRARY BUILDING, OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$21,360.00—SURETY BOND EXECUTED BY THE FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

COLUMBUS, OHIO, May 9, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State

of Ohio, acting by the Department of Public Works, for the Ohio State Archaeological and Historical Society and Snead and Company of Jersey City, New Jersey. This contract covers the construction and completion of Bookstacks Contract and Alternate No. 2 and one Complete Bookstack of Alternate No. 3, as set forth in form of proposal dated January 6, 1930, as set forth in form of proposal dated January 6, 1930, for Museum and Library Building on the campus of the Ohio State University, Columbus, Ohio, and calls for an expenditure of \$21,360.00 (Twenty-One Thousand Three Hundred Sixty Dollars).

You have submitted the certificate of the Director of Finance, to the effect that there are unencumbered balances legally appropriated, in a sum to cover the obligations of the contract. You have also furnished evidence to the effect that the Director of Finance has released monies for the purposes of this contract in accordance with Section 9 of House Bill No. 510 of the 88th General Assembly. In addition, you have submitted a contract bond upon which the Fidelity and Deposit Company of Maryland appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared, notice to bidders was properly given, bids tabulated according to law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies have been complied with.

The Secretary of State has furnished a certificate showing that the above foreign corporation is authorized to do business in Ohio. A certificate of the Industrial Commission, as to compliance with the laws pertaining to the Workmen's Compensation expired May 4, 1930. A new Industrial certificate should be obtained before the contractor is permitted to proceed with the work.

Finding said contract and bond in proper legal form, with the exception noted in the last paragraph, I hereby approve the same conditioned upon the obtaining of a certificate from the Industrial Commission. I have noted my approval on the contract and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

1838.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF WINIFRED McCURLEY, BEN F. SPENCER AND MARTIN CORFMAN IN BAZETTA TOWNSHIP, TRUMBULL COUNTY, OHIO.

COLUMBUS, OHIO, May 9, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—

This is to acknowledge receipt of your recent communication submitting for my examination and approval an abstract of title, warranty deed, encumbrance estimate No. 1011, controlling board certificate and other files relating to the proposed purchase by the State of Ohio of a tract of 2.18 acres of land owned of record by Winifred McCurley, Ben F. Spencer, and Martin Corfman in Bazetta Township, Trumbull County of Ohio, the same being more particularly described as follows:

“Being a part of original Lot No. 33 of said township. Commencing at a point at the north east corner of said original Lot No. 33: thence due south