

December 30, 1954
Letter Opinion
No. 54-278-L

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ARIZONA ATTORNEY GENERAL

The Honorable Ted Walker, Chairman
State Board of Public Welfare
State Office Building
Phoenix, Arizona

Re: Authority of County Welfare Boards as pertains
to personnel matters.

Dear Mr. Walker:

This is in reply to your recent oral request for an opinion of this office as to the authority of the respective County Boards of Public Welfare, particularly as applies to conflicts between the State and County Boards on personnel matters.

This question has been discussed previously by this office in Opinion 47-53, dated April 21, 1947, in which reference was made to the case of WELCH v. STATE BOARD (1939) 53 Arizona 167, 87 P. 2nd 109, in which the Arizona Supreme Court discussed the relationship of the State and County Boards as follows, at page 174:

"While it is true that the countyboards are under the direct supervision and control of the state board, nevertheless that control must be exercised by the state board in accordance with the manner set forth in the act."

This office is in agreement with the Welch case, supra, and the 1947 Opinion based thereon and hereby expressly approves the language of such Opinion (the pertinent part of the 1947 Opinion is attached herewith for your information).

An Opinion of the County Attorney of Pima County, addressed to the Pima County Board of Social Security and Public Welfare, dated December 9, 1954, is also attached to this Opinion, and this office expressly approves the Pima County Attorney's views on this question.

There is no room for doubt that the State Board of Public Welfare has direct control over personnel matters in the Welfare Department due to the language of Section 70-109, A.C.A., 1939, as amended, which lists the duties of the State Board of Public Welfare related to personnel matters and which expressly provides in pertinent part as follows:

"70-109. Personnel. (a) The state board shall:4. Provide for the fair and impartial selection, appointment, and retention of all personnel (except the commissioner and attorney) on the basis of open competitive merit examinations, notice of which shall be published in the press of the state not less than thirty days before the holding thereof; and provide for a fair and impartial system of separation from service through resignation or removal.

....7. Determine the number of personnel to be employed in each classification in the state office and in the several county offices.

(b) All officers and employees of the state and county departments, as hereinbefore prescribed, shall be employed in accordance with the provisions of this section."

The status of the county boards is clarified by Section 70-113 a, A.C.A., 1939, as amended, which reads as follows:

(70-113) Duties of county boards. (a) The several county boards shall be under the direct supervision and control of the state department, and shall perform such duties as may be prescribed by the state department."

It is the opinion of this office, therefore, in view of the foregoing authorities, that in all personnel matters the State Board of Public Welfare has direct and complete supervision, and in case of any conflict between the State and County Boards, the State Board decision shall be final subject to appeal where applicable.

We have not discussed the Merit System in this Opinion; however, it is apparent from reading of the Welch case, supra, that the State Welfare Board must at all times comply with the standards and regulations of the Merit System.

The Honorable Ted Walker, Chairman
State Board of Public Welfare

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If we may be of any further assistance in this or any other matter, please do not hesitate to call on us.

Very truly yours,

R. DEAN BURCH
Special Assistant to
The Attorney General

RDB:tg
Enc.

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