

May 18, 1934.

Mr. Stanley L. Montgomery,
Secretary, Lodge No. 519,
International Association of Machinists,
Phoenix, Arizona.

Dear Sir:

You have requested my opinion with respect to the rights of persons doing manual or mechanical labor for the state or any of its political subdivisions and who have been receiving less than the minimum wage provided by law to enforce collection of the difference between the amounts actually received and such minimum.

Such wages under this law shall not be less than the minimum per diem wage fixed by the State Highway Commission for manual or mechanical labor performed for or on its behalf. Inasmuch as this law did not become effective until the 17th day of February, 1933, my answer shall be confined to any rights accruing after that date.

In this connection, the Supreme Court of Arizona has just recently decided two cases prosecuted by this office involving the validity of the minimum wage law and the scope of its application. In the first, State versus Ankian, et al., the court held this law, which is Chapter 12 of the Session Laws of 1933, constitutional and valid. In the second, State versus Jaasted, et al., it was held to apply to the state and all its political subdivisions including cities with home rule charters. You may be assured, therefore, that the state and all of its subdivisions, including its cities, counties and school districts, are subject to this law.

Therefore, it is my opinion that such persons employed by or on behalf of the state or any of its political subdivisions who have been receiving less than the minimum per diem wages provided for by law can compel payment of the deficiency between such minimum and the amount actually

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received. You are further advised that the liability for payment of this minimum wage is one created by statute and the one-year statute of limitations is applicable. In other words, should the state or any of its political subdivisions contest the payment of this deficiency, raising the question of limitations, one filing suit to enforce payment of such balance can collect only for the amount earned within one year from the date his action is filed.

Very truly yours,

Attorney General

By

Assistant Attorney General.

CAE/an

COOPER