

August 12, 1937

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ARIZONA ATTORNEY GENERAL

Mr. Virgil W. Chandler  
County Attorney  
Florence, Arizona

My dear Virgil:

This will acknowledge receipt of your letter of August 6th requesting an opinion concerning the right of a County board, created under the Social Security Act, to hire all of the employees employed in the County in the administration of this Act.

Before answering this question I believe it will be helpful to briefly set forth certain portions of the Social Security Act, which must be taken into consideration in arriving at a solution of this question.

It is provided that the State Board of Social Security and Public Welfare is charged with the administration of all welfare activities of the State (Section 7 of Chapter 69). Such Board must further classify all positions, fix standards for all positions so classified; provide for the selection of personnel on the basis of open competitive merit examinations (Section 8). It is further provided, under subsection (g) of Section 8, that the State department shall proceed to put these provisions into effect and the officers and employees of the State and County departments shall be employed in accordance with these provisions.

It is further provided, under subsection (b) of Section 10, that the County boards shall be under the direct supervision and control of the State department.

The only direct provision contained in said Act giving the County board the right to employ help is contained in subsection (d) of Section 10, wherein it is provided that the County board has the right to employ a full-time secretary.

It is therefore our opinion that a County board has no right to hire employees for the administration of the Act in the County, other than a full-time secretary for said Board - as provided above, except with the consent and approval of the State board, and that such employees so chosen must be on the basis of "open competitive merit

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examinations" for the positions classified by the said  
State board.

I am Trusting that the above fully answers your inquiry,

Yours very truly,

JOE CONWAY  
Attorney General

J. M. JOHNSON  
Assistant Attorney General

E. G. FRAZIER  
Special Assistant  
Attorney General