

502
August 11, 1942

Honorable Alfred Atkinson
President, University of Arizona
Tucson, Arizona

LAW LIBRARY ARIZONA ATTORNEY GENERAL

Dear Sir:

We have your request for our opinion wherein you wish to know if a person, now a full time paid employe of the Pima County Welfare Board, can legally be paid by the University for services as a lecturer in sociology given at the termination of her day's work with the Welfare Board.

Section 12-709, A.C.A. 1939, provides:

"The salaries provided in this chapter shall be in full compensation for all services rendered by any officer, deputy or assistant. Salaries shall be paid twice in each month on regular days not more than sixteen (16) days apart. All state or county officers, employees, members of boards and commissions not mentioned in this chapter, and all deputies, stenographers, clerks and employees of any officer, board or commission, or of any institution, shall receive the salary provided by the laws creating or authorizing their respective positions, and shall not, under any pretext, receive any salary or emolument in excess of the salary so provided by law."

Since you do not state in what capacity she is employed by the Welfare Board, we cannot determine whether her position was created or authorized by statute and her salary fixed therein. The foregoing also applies to her position with the University. If her salary is not fixed by the law creating her position, whatever that may be, the terms of Section 12-709 supra, do not apply. Provided further that the duties performed for the Welfare Board and the University are not incompatible with each other.

Yours very truly,

JOE CONWAY
Attorney General

ALBERT M. GARCIA
Assistant Attorney General

EARL ANDERSON
Special Assistant
Attorney General.