

February 10, 1950

**LAW LIBRARY
ARIZONA ATTORNEY GENERAL**

T. D. Romero, Secretary
Board of Directors of
State Institutions for Juveniles
Tucson Senior High School
Tucson, Arizona

Dear Mr. Romero:

We have your inquiry of February 8, 1950 regarding payment of overtime for work performed by your secretary on behalf of the Board. You ask if, in hiring a secretary to do all clerical work at \$100.00 a month, five and a half days a week, with the understanding that if asked to work on Sunday, the usual day of board meetings, she may be paid extra, is proper from a legal standpoint.

The General Appropriation Bill sets up \$1,800.00 as a lump sum for personal services to be performed for the Board; nowhere is there any requirement in the law setting up your Board as to what basis may be used for hiring such personal services. Hence, it appears to us that your Board may authorize hiring of personal services of a clerk or secretary upon any reasonable contractual basis, either per diem, per week or per month; however, such contract should be definitely determined by the Board, and unless made by a written agreement between the Board and the employee, the minutes should show the exact basis upon which the employee is hired. If it is upon a monthly basis only, of course, payment can only be made by the month. If included in the resolution of the Board is an agreement of extra pay for work performed outside of usual office hours, that also should appear definitely and clearly in the resolution.

For convenience in determining the proper basis of payment, we would suggest a copy of the resolution be forwarded to the State Auditor.

Yours very truly,

FRED O. WILSON
Attorney General

LORNA E. LOCKWOOD
Assistant Attorney General

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