



OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007
August 27, 1975

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ATTORNEY GENERAL

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Major General J. G. Smith, Jr.
The Adjutant General
Division of Military Affairs
5636 East McDowell Road
Phoenix, Arizona 85008

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ARIZONA ATTORNEY GENERAL

Re: Military Department of the State of Arizona

Dear General Smith:

This is in reply to your question as to whether or not a Federal technician can supervise a State employee. In answering your question, it depends upon whether or not the Federal technician is subject to the supervision of the Adjutant General. If he is subject to his supervisory powers, then the Adjutant General can confer supervising responsibilities over State employees.

The Adjutant General is the administrator of the Military Department. A.R.S. §26-102 states that the adjutant general as head of the department shall:

1. Be the administrator of the department.
2. Coordinate the functions of the divisions of military affairs and emergency services.
3. Appoint, suspend, demote, promote or dismiss employees of the department subject to the provisions of title 38, chapter 6.
4. Promulgate, with the approval of the governor, rules and regulations necessary for the operation of the department.
5. Establish and administer accounts for federal, state, or other funds made available to carry out the functions of the department.

A.R.S. §26-112 (B) reads in part:

The Adjutant General shall:

1. Adopt methods of administration not inconsistent with laws and regulations of the department in defense of the United States or any subdivision thereof.

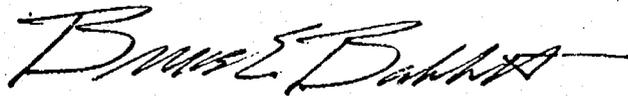


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2. Supervise and direct the organization, regulation, instruction and other activities of the national guard. (Emphasis supplied)
3. Appoint administrative, clerical and other personnel deemed necessary.

Therefore, if the Federal technician is subject to the control of the Adjutant General, then the Adjutant General could by his statutory authority, as contained in A.R.S. 26-112.B 2., delegate supervisory powers to the Federal technician over State employees.

Sincerely,



BRUCE E. BABBITT
Attorney General

BEB/MSF/dl