

APRIL 11, 1949.

DR. WILLIAM S. CARPENTER, *President,*
Department of Civil Service,
State House.

FORMAL OPINION—1949. No. 30.

DEAR SIR:

I have your letter of the 5th instant, stating that Sussex County adopted Civil Service on November 4, 1947, and that the Board of Freeholders of that county now contend that prior to the date of such adoption all employees in the county were temporary, and that the Board has declared that sick leave for county employees will commence only from the date of such adoption.

In my view, that is not the law. Both as to vacation leave and sick leave the years in service of such employees "prior and subsequent to the adoption of this act shall be used." The statute is clear and explicit and must be obeyed. See Chap. 232, P. L. 1939.

In reaching the conclusion I have I am not unmindful of the fact that there may have been in the employ of the county certain true temporary employees who should not be certified to your Commission, but as to all employees regularly employed the provisions of the statute to which I have called attention must be adhered to.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

APRIL 11, 1949.

DR. WILLIAM S. CARPENTER, *President,*
Department of Civil Service,
State House.

FORMAL OPINION—1949. No. 31.

DEAR SIR:

I have your memorandum of the 1st instant, inquiring whether the employees of the Beverly Sewerage Authority come within the jurisdiction of the Civil Service Law.

I understand the City of Beverly adopted the Civil Service Law in 1947, and in the same year created The Beverly Sewerage Authority, pursuant to the provisions of Chapter 138 of the Laws of 1946. By Section 5 (e) of that act The Sewerage Authority is authorized to appoint necessary officers and employ the required help; and by Section 4 (b) of said act such Sewerage Authority when constituted is an agency and instrumentality of the municipality creating it.

The Sewerage Authority of the City of Beverly necessarily must confine its operations to land lying within the corporate limits of that municipality, and, in my opinion, it is immaterial how the employees of the Sewerage Authority are compen-