

The judge of a criminal district court is appointed by the Governor by and with the consent of the Senate. The sheriff of a county, while a constitutional officer, is a county officer.

The civil service law is divided into the State service and into service of counties, municipalities and school districts, the latter class (school districts) having been permitted by act of the Legislature enacted subsequent to the original act of 1908 to adopt the provisions of the civil service law.

The conclusion that I have reached is that there cannot be a lawful transfer from a State position to a county position even where the county has adopted the provisions of the civil service law, for I find no warrant at all for such a transfer. That both the judge and clerk of a criminal judicial district court are State officers cannot be doubted. See *Pierson vs. O'Connor*, 54 N. J. L. 36.

The enclosures which Mrs. Murphy loaned me are herewith returned.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: THEODORE BACKES,
Deputy Attorney General.

Encs.
TB:B

MARCH 3, 1950.

MR. GEORGE M. BORDEN, *Secretary,*
State Employees' Retirement System,
1 West State Street,
Trenton 7, New Jersey.

FORMAL OPINION—1950. No. 21.

DEAR MR. BORDEN:

I have your letter of the 1st instant stating that a member of your system who was a State employee in the Social Security Employment Service and whose services were loaned to the Federal Government pursuant to law, desires to have established credit for the period of time spent in Federal service as authorized by Chapter 320 of the Laws of 1947.

You desire to be advised whether the purchase of the proposed credit is in order. In my opinion, it is. I understand that the former employee in the Social Security Service desires to transfer her credits from your system to the Teachers' Pension and Annuity Fund. This is, as you know, authorized by law, and I am of opinion that under Chapter 320 of the Laws of 1947, the service credits therein provided for must be established in your system in order that when the transfer is made from your system to the Teachers' Pension and Annuity Fund the member may transfer all credits to which she is entitled in your fund including, of course, the credit which is accorded to her under the act of 1947.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: THEODORE BACKES,
Deputy Attorney General.

TB:B