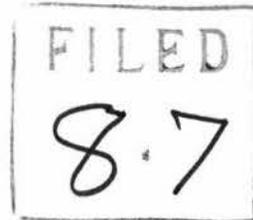


MERIT SYSTEMS: State Merit System Act not applicable to  
COUNTY HEALTH CENTERS: County Public Health Centers.  
HEALTH:

August 26, 1949



Honorable Henri Sursa  
Prosecuting Attorney  
Madison County  
Fredericktown, Missouri

Dear Mr. Sursa:

This will acknowledge receipt of your request for an opinion which we restate for the purposes of brevity as follows:

"Does a county health center have authority to employ and determine the compensation of personnel without reference to the State Merit System?"

The powers and duties of a public county health center are set out in Laws of Missouri, 1945, page 970, as follows:

Section 4. "The location, building, maintenance and operation of said public county health center shall be vested in a bona fide organization of at least two hundred and fifty resident members, paying annual dues each of at least one dollar, be a corporate body constitution and by-laws legally adopted and its officers legally elected and qualified, and when so formed, shall be the legal and official body in the county or counties for the promotion of health activities in said county or counties. It shall cooperate with the Division of Health of the Department of Public Health and Welfare or its successors and shall be empowered to enter into contracts and agreements with state and federal health authorities for the furtherance of all health activities, except as hereinafter prohibited. All personnel for the operation of the public health center shall be appointed

and their compensation shall be fixed by the official organization. It shall have power to formulate, adopt and require such rules and regulations as may be needed for the operation of the center, not inconsistent with the laws of the state. It shall have exclusive control of the expenditures of all moneys collected to the credit of the Health Center Fund provided that all moneys received for such health center shall be deposited in the treasury of the county to the credit of the health center, and paid out only upon warrants ordered drawn by the county court of said county or counties upon the properly authenticated vouchers of said official organization."

(Underscoring ours.)

The qualifications of personnel to be employed in county health centers are set forth in Laws of Missouri, 1945, page 971, and read as follows:

Section 6. "The qualifications of all persons employed in the operation of said health center shall be at least equal to the minimum standard of qualifications as set forward by the Missouri State Board of Health or its successors for positions of like importance and responsibilities."

From the above two sections, it is very apparent that the personnel in public health centers are to be appointed by the official organization in charge of said centers, and the only restriction placed thereon is that in Section 6, supra, wherein such personnel must possess qualifications at least equal to the minimum standards of qualifications as set forth by the Division of Health for like positions.

The application of the State Merit System is limited to certain state departments as evidenced by provisions of the statute found

in Laws of Missouri, 1947, Volume I, page 376, which reads as follows:

"(b) The provisions of this act shall apply to all offices, positions and employees of the State Department of Public Health and Welfare, the State Department of Corrections, and the Division of Employment Security of the Department of Labor and Industrial relations, except such offices, positions and employees within the above named agencies as are herein specifically exempted."

Thus, it is apparent that the State Merit System Act was never intended to apply to employment of personnel in county health centers since separate provisions have been made for the employment and compensation of such personnel. The State Merit System Act is clearly limited to state departments.

#### CONCLUSION

Therefore, it is the opinion of this department that the State Merit System Act is not applicable to county public health centers, and the official organization of such centers has the authority to appoint and fix the compensation of all personnel needed for the operation of the public health center.

Respectfully submitted,

JOHN R. BATY  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General