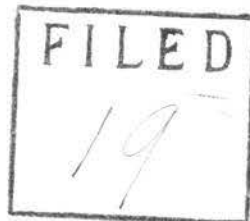


Power of the Missouri Commissioner of Labor to collect and
adjust wages.

Dec 13173 RS Mo 1924

May 12, 1933



Mrs. Mary Edna Cruzen,
Commissioner,
Labor and Industrial Inspection Detp.,
Jefferson City, Missouri

Dear Mrs. Cruzen:

This is to acknowledge your letter of May 11th, 1933,
which reads in part as follows:

"Has the Department of Labor and
Industrial Inspection authority while
arbitrating disputes as to wages be-
tween employer and employee the power
to take any legal action in collecting
or adjusting the same?"

Section 13201 R. S. Mo. 1929, provides:

"Disputants to Submit Grievances.--
In all cases when any grievance or
dispute shall arise between any em-
ployer and his employees, said dispute
involving ten or more employees, it shall
be the duty of the parties to said
controversy to submit the same to said
board for investigation. Within ten
days after the completion of said
examination or investigation authorized
by this article, the board, or a majority
thereof, shall render a decision stating
such details as will clearly show the
nature of such controversy, and points
in dispute disposed of by them and make
a written report of their findings and
recommendations, and shall furnish the
governor and each party to the contro-
versy a true and complete copy of the
same, and shall have a copy thereof
published in some local newspaper."

May 12, 1933

Section 13203 R. S. Mo. 1929, provides:

"Effect of Decisions--Exceptions, when Filed.--

In all cases where the application for arbitration is mutual, or both parties agree to submit to the decision of the board, said decision shall be final and binding upon the parties concerned in said controversy and dispute. In all cases where either party to a dispute refuses to agree to arbitration, the decision of the board shall be final and binding upon the parties thereto, unless exceptions be filed with the clerk of said board, within five days after said decision is rendered and announced."

It is the opinion of this office that a legal action for the purpose of collecting and adjusting wages between employer and employee, is a legal right which only the parties in interest can prosecute in a civil action in the courts of justice. The Department of Labor and Industrial Inspection while having the power to arbitrate wage differences, as above set out, does not have also the power expressly or impliedly to commence a civil action for the purpose of collecting or adjusting said disputed wages. That right is a personal right, available to those in privity in the contract of employment.

The Board of Arbitration was not created to function as a collective agency but rather to sit as a referee in disputed matters, involving ten or more persons, and make certain findings and recommendations.

Respectfully submitted,

WM. ORR SAWYERS,
Assistant Attorney General.

APPROVED

Attorney General.