

EMPLOYMENT SECURITY: Leroy F. Schantz, Director, authorized to requisition funds from federal Unemployment Trust Fund.

January 20, 1961



Honorable Leroy F. Schantz  
Director, Division of  
Employment Security  
Department of Labor and  
Industrial Relations  
Jefferson City, Missouri

Dear Mr. Schantz:

We have received your request for an opinion of this office, which reads as follows:

"According to the requirements of the Director of Employment Security, Department of Labor, and the Fiscal Service of the Treasury Department, a certification by the Attorney General with respect to my appointment as Director of the Division of Employment Security of the Department of Labor and Industrial Relations, is required in accordance with the following:

'Treasury Department Requirements for Withdrawals From the Unemployment Trust Fund. In order that State agency requisitions for moneys from the unemployment trust fund may be honored by the Treasury Department, whenever the status of the person or persons previously certified has changed, the Treasury Department requires that the following must be submitted directly to it:

'A. An original, signed opinion or certification by the attorney general of the State, or a certified copy thereof,

Honorable Leroy F. Schantz

that the individual over whose signature the requisitions are made has duly constituted authority under the State law and under resolution of the State agency, if required by law or regulation, to make such requisitions. If such qualified individual delegates his authority to requisition funds from the unemployment trust fund, the opinion shall contain reference to the authority for such delegation of power.'

"The provision relating to requisitioning funds from the Missouri Account in the Federal Unemployment Trust Fund will be found in Section 288.290.4, RSMo.

"I respectfully request that you supply me the opinion or certification required by Paragraph A above."

Section 288.290, subparagraph 4, R. S. Mo., provides, in part:

"4. Moneys shall be requisitioned from the Missouri account in the federal unemployment trust fund solely for the payment of benefits or for refunds of contributions in accordance with regulations prescribed by the director, except that money credited to this state's account pursuant to section 903 of the Social Security Act, as amended, shall be used exclusively as provided in subsection 5. The director shall from time to time requisition from the federal unemployment trust fund such amounts, not exceeding the amounts standing to the Missouri account therein, as he deems necessary for the payment of benefits and refunds for a reasonable future period. \* \* \*"

Section 288.220, R. S. Mo., provides in part, as follows:

Honorable Leroy F. Schantz

"1. The division of employment security of the department of labor and industrial relations shall be under the control, management and supervision of a director who shall be appointed by the governor, by and with the advice and consent of the senate. Such director shall be a citizen and qualified voter of this state, and he shall serve at the pleasure of the governor. He shall be paid a salary of ten thousand dollars per year from the unemployment compensation administration fund."

By virtue of the above statutory provisions, the person authorized to make requisitions for withdrawals on behalf of the State of Missouri from the Unemployment Trust Fund is the Director of the Division of Employment Security. In our opinion, you are now the person legally holding that office by virtue of your appointment by the Governor of the State of Missouri and the confirmation of such appointment by the Missouri Senate.

The State Senate of the State of Missouri received, on January 16, 1961, a message, in writing, from John M. Dalton, Governor of the State of Missouri, while the State Senate of Missouri was in session in the 71st General Assembly of the State of Missouri, informing the Senate that he had appointed Leroy F. Schantz, Springfield, Greene County, Missouri, Director of the Division of Employment Security of the Department of Labor and Industrial Relations for the State of Missouri for a term ending at the pleasure of the Governor of Missouri and requesting the consent to, and approval of, such appointment by the State Senate (Senate Journal, 71st General Assembly, pages 69-70.)

Such appointment of Leroy F. Schantz was by the State Senate of the State of Missouri, in session on January 16, 1961, approved and confirmed, and the Governor was by the State Senate of the State of Missouri so notified thereof in writing.

Thereafter, in conformity with such confirmation by the State Senate of said appointment, John M. Dalton, Governor of the State of Missouri, did appoint and commission the said Leroy F. Schantz as Director of the Division of Employment Security of the Department of Labor and Industrial Relations of Missouri for a term ending at the pleasure of the Governor. Pursuant

Honorable Leroy F. Schantz

to Section 28.060, R. S. Mo., the abstract of said commission is recorded in Civil Register No. 5, page 194, of the Official Records of the Secretary of State of Missouri.

On January 17, 1961, Leroy F. Schantz took the oath of office as Director of the Division of Employment Security of the Department of Labor and Industrial Relations and entered upon the performance of the duties of that office, and now duly holds the same.

CONCLUSION

It is therefore the opinion of this office that Leroy F. Schantz, Director of the Division of Employment Security of the Department of Labor and Industrial Relations of the State of Missouri, is the person who has duly constituted authority under the laws of the State of Missouri to make requisitions for moneys from the Unemployment Trust Fund.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John C. Baumann.

Yours very truly,

Thomas F. Eagleton  
Attorney General

JCB:aa