

JUVENILE OFFICERS:
JUVENILE COURTS:
COUNTIES:

The phrase, "engaged full time" as used in Section 211.393, RSMo. Supp. 1965, means that the juvenile officer, in order to qualify for the statutory contribution by the State of Missouri, may not hold another office or position and may not engage in any activity which would impair his ability to faithfully perform his duties as juvenile officer. Under this section it is only the juvenile officer who may qualify for the payments by the State of Missouri.

OPINION NO. 130

March 22, 1966

Honorable Charles H. Sloan
Prosecuting Attorney
Ray County
Richmond, Missouri



Dear Mr. Sloan:

This is in response to your opinion request in which you pose the following questions relative to the compensation of juvenile officers under the provisions of Section 211.393, RSMo. Supp. 1965:

- "1. Does the phrase 'engaged full time' mean that the juvenile officer has no other office or occupation and requires him to spend all of his time as a juvenile officer?
- "2. In circuits serving two counties, if the juvenile officer is assigned to one county and the deputy juvenile officer assigned to the other county, could the State of Missouri pay one half of each of their salaries?"

Section 211.393, states as follows:

"1. The salaries and expenses of all juvenile court personnel in counties of the first and second class and the city of St. Louis are payable monthly out of county or city funds as the case may be, except that one-half of the salary of the juvenile officer of any circuit in which he is engaged full time, is payable by the state of

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Missouri, but not to exceed the sum of four thousand two hundred and fifty dollars annually.

"2. In counties of the third and fourth class, the salaries and expenses of juvenile court personnel are payable monthly out of the county funds except that in circuits serving two or more counties of the second and third class or third and fourth class which comprise one or more judicial circuits, the salaries and expenses are payable out of the county funds and prorated among the several counties served upon a ratio determined by a comparison of the respective populations of the counties involved, except that one-half of the salary of the juvenile officer of any circuit in which he is engaged full time, is payable monthly by the state of Missouri, but not to exceed the sum of four thousand two hundred and fifty dollars annually."
[Emphasis added.]

The statute authorizes the State of Missouri to pay one-half of the salary of the juvenile officer of any circuit in which he is engaged full time, but not in excess of the sum of \$4,250 annually.

In answer to your first question requesting an interpretation of the language "full time," we think that these words must be considered in their ordinary meaning.

In this respect we note that Webster's New International Dictionary, 2nd Edition (1963), at page 919, defines "full time" as "the amount of time considered the normal or standard amount for working during a given period (as a day, a week or a month)." In *Cote v. Bachelder-Worcester Company*, 160 A. 101, 85 N.H. 444, in considering the meaning of "full time" in an industrial community the court at l.c. 102 stated:

" * * * Full time ordinarily signifies the normal or customary period of labor per day or per week in the establishment where the workman is employed for the kind of work which he is hired to perform. 'One who works only part of a day or only two or three days out of a week, or only a few weeks out of the year, cannot be said to

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be working at full time.' Beaver Dam Co.
v. Hocker, 202 Ky. 398, 259 S.W. 1010, 1011.

"Words in a statute are to be construed according to the common and approved usage of the language unless they have acquired a peculiar and appropriate meaning in the law.' Colston v. Railroad, 78 N.H. 284, 286, 99 A. 649; * * *"

In Johnson v. Stoughton Wagon Company, 95 N.W. 394, 118 Wisconsin 438 (1903), the court considered the meaning of 'full time' in reference to the officer of a corporation and stated as follows at l.c. 397:

" * * * Of course, an agreement 'to give his full time to the company's service' is, in its nature, ambiguous. It certainly does not require 24 hours a day of an employe's time, nor indeed, every moment of his working hours. Mobile, etc., R. Co., v. Owens, 121 Ala. 505, 25 South. 612. On the other hand, it undoubtedly does require that he shall make that employment his business, to the exclusion of the conduct of another business such as usually calls for the substantial part of a manager's time or attention. We cannot think, however, that the business man who undertakes to make the affairs of a corporation or of a firm his business, and to give to it his full time, absolutely excludes himself from everything else. * * *"

We conclude, therefore, in answer to your first question that the phrase "engaged full time" means that the juvenile officer, in order to qualify for the statutory payment by the State of Missouri, must give his position his complete and undivided attention and may not engage in any other activities that would either consume any of the portion of the time required for him to properly function as a juvenile officer or which would in any respect interfere with his ability to perform his duties. This would necessarily mean that such a juvenile officer would not be "engaged full time" if he at the same time attempted to occupy or hold any other position or engage in any activity such as to interfere in any manner with his duties as a juvenile officer. However, we do not believe that "full time" means that such officer is absolutely restricted from any other endeavor, but to the extent that such other activity either constitutes another position or is such as to impair his capacity, devotion or time required and customary for the full performance of the occupation of juvenile officer.

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We are enclosing an official opinion rendered by the Attorney General under date of August 12, 1957, to Thomas Eagleton, Circuit Attorney of St. Louis City, which we believe to be applicable. Such opinion holds that the employment of a person part time is not lawful under a statute requiring the person employed to devote his entire time to the discharge of the duties of his office.

In response to your second question, the language of the statute is quite clear. The statute refers only to "the juvenile officer" and does not permit any contribution by the State of Missouri to the deputy juvenile officer regardless of his area of assignment. The term "juvenile officer" is limited to that specific position and cannot be extended to include any subordinate officers. Inasmuch as the statute contains no ambiguity, the juvenile officer, himself, is the only person who may qualify for the statutory contribution.

CONCLUSION

It is therefore the opinion of this office that the phrase "engaged full time" as used in Section 211.393, RSMo. Supp. 1965, means that the juvenile officer, in order to qualify for the statutory contribution by the State of Missouri, may not hold another office or position and may not engage in any activity which would impair his ability to faithfully perform his duties as juvenile officer. Under this section it is only the juvenile officer who may qualify for the payments by the State of Missouri.

The foregoing opinion which I hereby approve was prepared by my assistant, John C. Klaffenbach.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

Enclosure:
Opinion No. 26, Eagleton, 8-12-57