

January 7, 1972

OPINION LETTER NO. 1
Answer by letter - Klaffenbach

Mr. Charles O'Halloran
State Librarian
Missouri State Library
308 East High Street
Jefferson City, Missouri 65101



Dear Mr. O'Halloran:

This letter is in answer to your request for an opinion in which you ask:

"The State Library employs professional librarians. These individuals are generally possessed of graduate degrees in Library Science. The Commission has discussed the employment of these individuals on a contract basis. I believe that they would contemplate the employment of the professional librarian for periods of at least one year, with a contract between the individual and the library for his services during that year. Is there anything in the Missouri Statutes which would prohibit the State Library Commission using this kind of contract for its professional employees?"

While we find no express statutory prohibition it is our view that the making of the above specified contracts was not within the contemplation of the legislature. That is, although the legislature authorized the appointment of personnel by the State Librarian subject to approval by the Commission, Section 181.043, RSMo 1969, and provided that they be paid in the same manner as personnel in state departments and divisions, Section 181.047, RSMo 1969, there is no statutory authorization for such contracts and in our view none can

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be implied. Public employment is not ordinarily the subject of bargaining or contract. Springfield v. Clouse, 206 S.W.2d 539 (Mo. 1947).

We thus conclude that the Commission does not have authority to enter into annual contracts stating terms and conditions of employment with professional librarians.

Very truly yours,

JOHN C. DANFORTH
Attorney General