



OFFICES OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

JOHN C. DANFORTH
ATTORNEY GENERAL

February 27, 1975

OPINION LETTER NO. 72

Mr. Edward A. Godar, Director
Division of Personnel
Office of Administration
Post Office Box 388
Jefferson City, Missouri 65101

Dear Mr. Godar:

This letter is in response to your question asking:

- "1. Is that part of Section 42.060 RSMo which requires that 'assistants' to the Director of the Division of Veterans' Affairs be honorably discharged veterans still in effect, or does the Merit System Law take precedence now that these assistants must be employed subject to Chapter 36 RSMo?
- "2. If the 'assistants' must still be honorably discharged veterans, who makes the determination as to which employees fall in this category, the Director of the Division of Veterans' Affairs or the Personnel Director and Personnel Advisory Board who are responsible for establishing classifications and qualifications for positions subject to Chapter 36 RSMo?"

You also state that:

- "1. Under the Reorganization Act of 1974, the Division of Veterans' Affairs was placed in the Department of Social Services and its employees covered by the provisions of Chapter 36 RSMo.

Mr. Edward A. Godar

- "2. Chapter 36 RSMo provides for the Personnel Director and the Personnel Advisory Board to establish a classification plan, including qualifications for each class, for positions under the Merit System.
- "3. Chapter 36 RSMo provides for an examination process, including a system of preference points to be added to the test scores of veterans, the certification of top ranking five available eligibles, and the appointment of one of these eligibles. The preference point system for veterans is based on Article IV Section 19 of the Missouri Constitution.
- "4. The Personnel Division is now in the process of establishing job classes and qualification requirements for employees of the Division of Veterans' Affairs. Subsequently examinations will be given to establish registers from which new employees must be employed."

Section 13 of the Omnibus Reorganization Act, subsection 8, transferred all the powers, duties, and functions of the Division of Veterans Affairs, Chapter 42, RSMo, and others by type I transfer to the Division of Veterans Affairs which was created in the Department of Social Services. Such subsection also provides that the Director of the Division of Veterans Affairs be appointed by the department director.

Subsection 1 of Section 13 provides that the employees of the Department of Social Services be covered by the provisions of Chapter 36, RSMo, relating to the state merit system, with certain exceptions. We assume in answering your question that the positions are not excepted positions.

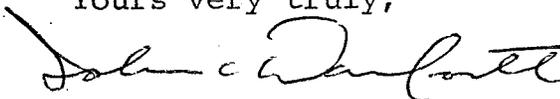
Section 42.060, RSMo, as you note, requires that all "assistants" to the Director of the Division of Veterans Affairs be honorably discharged veterans of the military forces of the United States.

Mr. Edward A. Godar

It is also our understanding that the term "assistants" has been administratively interpreted to mean "veterans service officers" and that the probable legislative intent in enacting Section 42.060 was that there should be a common bond between the veterans service officers and the veterans receiving the services.

It is, therefore, our view that the term "assistants" means the "veterans service officers" and that the legislature in placing such officers under the state merit system did not intend to remove the requirement that they be "honorably discharged veterans of the military forces of the United States."

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General