

File No. Continued

person, subject to the classified service, whose name does not appear on the classified roster of the Commission. Undoubtedly, the practice of submitting the payrolls to the Commission may be commended, and is, indeed, a protection to the Comptroller or other disbursing officer. However, in submitting the payrolls to the Commission, the latter is concerned with but one inquiry; viz, are the names listed on the payrolls on the roster of Commission's classified service employees?

That proposition is so clear that no argument or interpretation is necessary to demonstrate its correctness. The compensation of the individuals belongs to another branch of the government, the Board of Estimates and the City Council, and is a matter beyond the jurisdiction of the City Service Commission. In the light of the above, I hold and advise:

*R* (a) The entry on the payroll sheet to the Commission reading, "Approved as to name and classification only", is to be treated by the Comptroller and other fiscal officer of the city as an approval of the City Service Commission of all the persons appearing thereon, and that those persons are on the Commission's roster of persons in the classified service.

(b) As to the compensation of such persons that must be determined from two sources -- the statutes of the General Assembly, which are paramount and control everyone, except as the Mayor and City Council is authorized to change those salaries even though fixed by the General Assembly; and salaries fixed by the Board of Estimates and contained in the Council's budget.

The second inquiry is to be answered in the affirmative. The payroll sheets submitted to the City Service Commission may have printed thereon any language adopted by the Comptroller, which would call for the certification by the City Service Commission of the persons appearing thereon subject to the classified service according to the roster maintained by the Commission, and to be compensated according to salaries established by the municipal corporation as provided by law or ordinance.

Very truly yours,

(Signed)

CHARLES C. WALLACE

City Solicitor

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