

FILE

Subject Counties - Offices
Commissioners

Copy to _____



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

March 29, 1974

Opinion No. 74- 108

Vernon D. Grassie
Crawford County Attorney
P.O. Box 34
Girard, Kansas 66743

Dear Mr. Grassie:

We have received your inquiry concerning the establishment of wages for county employees. We would also like to note the citations which were furnished. This office is very appreciative of the initial research that is done on any given question.

As we see it, the problem has arisen by virtue of the county commissioners' requirement of a forty-hour week which concededly they can establish under K.S.A. 19-2601. Until this ruling, presumably county offices were only open seven hours a day since, as you say, elected officials have opted to remain open during the noon hour rather than open the offices from 8 to 5. Be that as it may, the question you pose is whether the county officials or the county commissioners set the salaries of county employees. And further, is the approval of the county officials necessary?

You cite K.S.A. 19-235 which requires approval by the county official of any voucher submitted for monies owing to a clerk or an assistant. We view this statute as a procedural one to implement the payment of salaries authorized by action of the county commissioners. The authority to set salaries is found in K.S.A. 28-824:

"The board of county commissioners of all counties shall allow such reasonable sums for salaries and compensation of assistants, deputies, clerks and stenographers as may be necessary to properly expedite the business of the several offices of the county."

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In sum, the setting of salaries lies with the county commissioners with the procedural requirement that county officials attest that the vouchers submitted are correct within the amount set by the commissioners.

We hope this will be of assistance to you. If you have further questions, please contact us.

Yours very truly,



VERN MILLER
Attorney General

VM:DMH:jsm