



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Travis Co.

Game, Fish and Oyster Commission
Austin, Texas

Gentlemen:

Attention: Mr. MARION L. BUCKNER,
Dallas, Texas.

Opinion No. O-2115
Re: Authority to hire and pay
skilled labor.

We have your letter of March 21, 1940, in which
you make the following request of this department:

"What I would like to have is an opinion as to whether or not we are correct in our conclusions under the provision as quoted above, if we can hire skilled labor in carpenters to do the carpenter work on the houses we propose to build at the Dundee Hatchery. The United States Government furnishes all the skilled labor in the form of rock masons but will not furnish the carpenters."

You direct our attention in your letter to the provision in the appropriation bill for the support of the Game, Fish and Oyster Commission, as follows: "Extra labor -- not to exceed \$3.00 per day." Likewise, you point out the following provision in the general rider to the appropriation bill:

"Additional Employee's Compensation. When any additional employees, other than those for which specific salary appropriations have herein been made, are employed and are to be paid out of contingent appropriations, such employees shall not be paid a larger amount than that provided in the regular appropriated salaries for similar positions in such department or agency."

and in the event there are no similar positions within such department, then such additional employee shall not be paid a larger amount than that provided for similar positions in other departments or agencies. In the event laborers, skilled laborers, and mechanics cannot be obtained at the above mentioned salary scale, then the head of such department may pay for temporary employment only not exceeding the prevailing wage scale paid in the locality where the temporary service is to be rendered."

It is the opinion of this department that the Legislature did not intend by the enactment of the first quotation above to include in the term "Extra labor -- \$3.00 per day" mechanics and skilled labor, such as carpenters. We think this is evident from the second quotation above, which refers to laborers, skilled laborers and mechanics. Certainly, the Legislature here recognized that there is a different wage scale prevailing between laborers and skilled laborers.

In view of this conclusion, you are advised that in the opinion of this department you would be authorized to pay the prevailing wage scale in the locality where the work is to be performed for the employment of skilled labor, such as carpenters.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Grover Sellers*
Grover Sellers
Assistant

GS-MR

APPROVED APR 16, 1940

Gerard B. Mann
ATTORNEY GENERAL OF TEXAS

