

“Do teachers of the consolidated school corporations organized under the provisions of chapter 148, Acts of 1917, come within the provisions of the Teachers Tenure Law, and do teachers who have taught for five or more successive years in such consolidated school corporations have tenure status?”

In reply to this question your attention is directed to the recent decision of the Supreme Court of Indiana, decided on June 1, 1937, entitled *Harris v. State, ex rel., Allen*.

This opinion holds that:

“A consolidated school is clearly not a township school as recognized by law. We do not believe that the Act of 1933 removed the limitation upon the powers of consolidated school boards, such as we have here, in respect to removal of tenure teachers. It only removed the restrictions and limitations as applied to township schools controlled by a township trustee.”

Under the rules laid down in this decision it is my opinion that your question should be answered in the affirmative.

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**LABOR, DIVISION OF: Labor Commissioner, powers, conciliators, appointment of temporary council. Acts of 1937, Sec. 9, Chapter 34.**

June 3, 1937.

Hon. Thomas Hutson,  
Commissioner, Division of Labor,  
State House,  
Indianapolis, Indiana.

Dear Sir:

On June 3, 1937, you requested an official opinion from this department relative to the power of the Commissioner of the Division of Labor to appoint a temporary arbitrator or conciliator, or a board of arbitration or conciliation.

Your specific question is whether or not pursuant to chapter 34, Acts of 1937, the commissioner may appoint a person to act as a conciliator in order to prevent a strike or lockout, etc., or to settle differences between employers and employees in certain emergency situations.

Section 9 of chapter 34 of the Acts of 1937 provides in part as follows:

“As the administrative head of the division of labor, and in addition to such other duties and powers as may be conferred upon him by law, the commissioner of labor is hereby authorized:

“(d) To promote the voluntary arbitration, mediation, and *conciliation* of disputes between employers and employees, for the purpose of avoiding strikes, lockouts, boycotts, black lists, discrimination, and legal proceedings in matters of employment. *In pursuance of such duty*, the commissioner may appoint temporary boards of arbitration, provide for the payment of the necessary expenses of such boards, order reasonable compensation, not exceeding fifteen dollars per day, paid to each member engaged in such arbitration, prescribe the rules of procedure for such arbitration boards, conduct investigations and hearings, publish reports and advertisements, *and do all other things convenient and necessary to accomplish the purpose of this Act*. The commissioner may designate an employee of the division to act as chief mediator and may detail other employees, from time to time, to act as his assistants for the purpose of executing the provisions of this Act. Any employee of the division who may act on a temporary board shall serve without extra compensation.” (Our italics.)

As you will note, this section (d), above quoted, specifically provides that you, as the commissioner of the division of labor, in pursuance of the duties imposed upon you by this Act, may appoint temporary boards of arbitration for carrying out the purposes of this Act. The purposes as detailed provide that the Act shall promote the voluntary arbitration, mediation and conciliation of disputes between employers and employees in order that strikes, lockouts, etc., may be avoided.

Thus, in an emergency situation, you have the power to appoint such temporary boards, provide for the payment of compensation and necessary expenses, pursuant to the provisions of the Act, as are necessary to carry out the purposes for which the Act was designed, as heretofore set out.