

**OPINION
64-115**

July 10, 1964 (OPINION)

Mr. Walter R. Hjelle

Highway Commissioner

RE: Highways - State Employees - Compensation

This will acknowledge your request for an official opinion as to your authority to compensate certain Highway Department employees for extraordinary service, not contemplated by their employment contracts, and for which they receive no remuneration.

Under <24-02-03, Subsection 4 of the North Dakota Century Code, the legislature has conferred upon the Highway Commissioner the power and authority to fix the compensation of the various employees of the department. In so doing, the legislature imposed no restrictions upon the method or procedure employed to fix the employees' compensation. In absence of such limitations upon your office, the proposed method of rectifying of what is considered by your to be an inequitable situation would be proper.

Therefore, it is the opinion of this office that the payment of additional compensation for extraordinary work, not contemplated by the original contract of employment, is within the authority granted to you under <24-02-03, Subsection 4 of the North Dakota Century Code.

HELGI JOHANNESON

Attorney General