

Opinion No. 264.**Public Welfare—Works Progress
Certification—Family Group.**

HELD: 1. For purpose of certification to Works Progress Administration under Welfare Act, the term "family group" means those members of family actually dependent upon the head of the family.

2. Where married son resides with parent in latter's home there are two separate family groups.

March 28, 1938.

Mr. William R. Taylor
County Attorney
Anaconda, Montana

My Dear Mr. Taylor:

You have asked whether persons of legal age, residing in the home of a parent who is employed on Works Progress Administration work and receiving relief, may also be employed on a Works Progress Administration project.

Funds paid out for wages under the Works Progress Administration remain federal funds until paid to the laborer. The Works Progress Administration then is a federal instrumentality and the State Welfare Board has no jurisdiction. The only function the State Department performs is the certification of the applicant. This is done on the basis of need.

Executive Order No. 7046, Prescribing Rules and Regulations relating to Wages, Hours of Work, and Conditions of Employment under the Works Progress Administration provides in subdivision (d) of Part III that "Only

one member of a family group may be employed on the works program, except as specifically authorized by the Works Progress Administration."

For the purpose of certification under the State Welfare Act, the term "family group" must be taken to mean those who are actually dependent upon the head of the family. Thus children over legal age who are not physically or mentally incapable of supporting themselves would not be included in a family group. Likewise, if a son and his family decided to save house rent by sharing one residence with his parents, they would be classed as two family groups and it would then be the duty to certify some one of each family group for Works Progress Administration work. After certification, the authority of the State Board ends and the officials of the Works Progress Administration can then apply such interpretation of the phrase "family group" as they choose.