

No. 331

**HOURS OF LABOR—LABOR—STATE INSTITUTIONS—  
STATE HOSPITAL—overtime at**

**Held:** Employees of State Institutions may not be employed in excess of eight hours per day, even though overtime be paid. Such employment would be a violation of Section 4, Article XVIII of the State Constitution.

January 3, 1942.

Montana State Hospital  
Mr. C. K. Baker, Business Manager  
Warm Springs, Montana

Gentlemen:

You have requested my opinion on the following state of facts:

"As you know the unions are figuring out ways to put the 8-hour law into effect here. Due to lack of housing facilities it has been suggested that if we can't put them on 8-hours we pay them overtime on a 12-hour shift until we have the necessary building completed.

"Will you please give us your opinion as to whether the additional appropriation of \$17,500 'For additional attendants' would be available to pay this overtime charge?"

The amendment to Section 4, Article XVIII of the State Constitution—adopted by vote of the people in 1936—provides, "A period of eight hours shall constitute a day's work in all industries, occupations, undertakings and employments, except farming and stock raising . . ."

This constitutional amendment applies to the state and its institutions. Therefore, it would be a violation of this provision of our Constitution to employ the attendants for a period in excess of eight hours in any one day. The fact that overtime would be paid does not take it out of the statutory prohibition.

It is, therefore, my opinion attendants at the State Hospital may not be employed for a period of twelve hours per day, even though overtime for such hours in excess of eight be paid.

Very truly yours,

JOHN W. BONNER  
Attorney General