

File No. 74692

July 11, 1942

Mr. J. C. Opper, Secretary
City Service Commission
City Hall
Baltimore, Maryland

Dear Mr. Opper:

I have your letter of July 8, 1942, requesting opinion as to whether part time janitors or janitresses for casual employment by the Health Department at its various clinics throughout the City should come under the rules and regulations of the City Service Commission.

My opinion is that they should not come under the provisions of your system for the reason that they are casual employes and by the very nature of their employment, they could not fit harmoniously into the merit system. I would not class them as regular and permanent employes of the City as contemplated by the Retirement System and hence they would not be entitled to the benefits accruing to the employes.

I regard these employes as contract employes, whose rate of pay is fixed by agreement between them and the Health Department and is only binding from week to week. They therefore must be subject to separation from the service at the will of the Health Department and subject to immediate replacement because of the nature of the service they are required to render.

Very truly yours,

(signed) F. MURRAY BENSON

City Solicitor

FMB/RRS