

File No. 87237

April 24, 1951

Mr. L. A. Hince, Secretary  
City Service Commission  
City Hall  
Baltimore - 2, Maryland

Dear Mr. Hince:

This is in answer to the two interrogatories propounded in your letter of April 10, 1951, with reference to Chapter 563 of the Laws of Maryland, 1949, as follows:

1. Are employees appointed for Civil Defense purposes under this legislation employees of the State of Maryland or employees of the City of Baltimore?
2. Do such employees come within the jurisdiction of the City Service Commission? It is noted that the legislation makes no reference to the City Service Commission's sections of the City Charter.

(1)

We think your first question should be answered as follows: The employees of the Local Organization for Civil Defense, as defined in that statute, have a dual status. They are employees of the City in the sense that they are paid by the City and are employed by the Director of Civil Defense for the City with the approval of the Mayor and the Board of Estimates. They are State employees in the sense that their employment is authorized by a statute of the State conferring "emergency powers" upon the City to create a Local Organization for Civil Defense which, in turn, is a part of the State Civil Defense. The director of the Local Organization for Civil Defense is appointed by the Governor of the State.

(2)

Answering your second interrogatory, we are of the opinion that the employees of the Local Organization for Civil Defense, as aforesaid, do not-

"come within the jurisdiction of the City Service Commission"

of the City. The statute provides that each Local Organization for Civil Defense -