

Mr. Harry Deitchman, Payroll Supervisor (continued)

that they were in "fireman's positions" were not to be covered under the Social Security system. Judge Allen stated in his opinion: "It is my opinion, therefore, that the exclusion applies to every employee of the Fire Department whose services bear a substantial and direct relationship to extinguishing fires or protecting lives and/or property endangered by fires, even though such services are rendered away from the fire scene."

Subsequent to this case, the Fire Department requested a general opinion classifying all of the employees of the Fire Department as to whether or not they were to be included within Social Security. This office took the position at that time that any further determination would have to be made by the Court and suggested that a suit be filed in order to determine which of the remaining employees of the Fire Department were to be included within Social Security, and which of such employees were not to be included within Social Security.

Accordingly, the case of George J. W. Merle, et al vs. Mayor and City Council of Baltimore, et al, was filed in the Circuit Court of Baltimore City (Docket 1960 A, Folio 875, File No. A 40985). Two of the plaintiffs in this case were Charles H. Denn and Harvey D. Reaver, electricians in the Fire Alarm Telegraph Department of the Baltimore City Fire Department. Their duties included the installation and repair of specialized electrical equipment, the installation of thermobreaker panels and new wiring in engine houses, and the installation of motor driven air compressors and other types of equipment in engine houses. They were further charged with the installation of fire boxes and other fire alarm equipment. By a decree dated the 23rd day of December, 1960, it was held that these two were not to be considered within fireman's positions and, therefore, were covered under the Social Security provisions of the Federal Old Age and Survivors Insurance Act.