

Mr. Harry Deitchman, Payroll Supervisor (continued)

Subsequently thereto, a Petition to correct the decree of the Circuit Court was filed. The Petition to correct pointed out that the original petition in the second case omitted to mention that in addition to their other duties, Mr. Denn and Mr. Reaver had the further responsibility of responding to the fireground on all second or greater alarm fires. In view of this further duty Judge Allen corrected the original decree and held that they were or should be considered within the fireman's positions and were not to be included within Social Security.

The position of the "Instrument Mechanic" seems to be analogous to the description of the position occupied by Mr. Denn or Mr. Reaver, if they did not have to respond to second or greater alarm fires. The specifications and the further information which this office has received indicates that an "Instrument Mechanic" does not have to respond to any fires regardless of the number of alarms nor at any time has to do any work on the fireground. The "Instrument Mechanic's" primary and sole duties seem to be limited to the installation, inspection, maintenance and repair of mechanical equipment used by the Fire Department.

In view of the decree and opinion of Judge Allen in the two cases previously discussed and the fact that the "Instrument Mechanic" does not respond to fires, it is the opinion of this office that an "Instrument Mechanic" would not be considered in a "fireman's position" and, therefore, is to be covered by Social Security.

Very truly yours,

/s/ FRANCIS B. BURCH  
City Solicitor

/s/ MORTON L. GOLDNER  
Assistant City Solicitor

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