

File No.

Baltimore, January 10, 1927

Mr. Elmer F. Bernhardt, Chief
Central Payroll Bureau
City Hall
Baltimore, Maryland

Dear Sir:

14249 I acknowledge your communication of the 7th inst., asking my official ruling on a matter of the power and jurisdiction of the City Service Commission relating to the examination, certification and approval of the official payrolls of the various departments of the municipal corporation. The facts, as set out in your letter, which give rise to the inquiry, may be thus summarized:

A group of payrolls recently prepared by your department required the overlapping of salaries as existing at the end of December, 1926, and as increased by the Board of Estimates and the City Council beginning with January 1, 1927. Those payrolls were submitted to the City Service Commission and were returned marked "Approved as to name and classification only". In that connection you inquire the power of the City Service Commission to make this entry, and what action you should take in connection therewith. That is the first inquiry.

The second inquiry may be thus stated: The printed forms for the payrolls bear an entry for approval of the City Service Commission. You ask if, considering the power of the Commission, this entry for approval may be changed to a certification. Both of the inquiries require a consideration of those sections of the Baltimore City Charter, as now existing, relating to the City Service Commission. In view of the very clear language of these sections, I have no difficulty answering the questions involved.

The Commission, of course, is one of limited authority. Within its powers, recognition must be accorded to its acts, but it cannot exceed the express powers conferred by law. Its rules, which it is authorized to promulgate, must be "subject to the provisions herein contained to carry out the provisions of this sub-division of the Charter". Accordingly, those rules cannot exceed the express powers granted to the City Service Commission. On the contrary, they must be strictly confined thereto.