

FILE NO. 72143

July 22, 1940

Honorable Howard W. Jackson
Mayor of Baltimore
City Hall
Baltimore, Maryland

Dear Mr. Mayor:

Reference is made to your letter of June 25, 1940, enclosing copy of a letter addressed to you under date of June 20, 1940, by Mr. Elmer F. Bernhardt, Chief, Central Payroll Bureau, in which it is suggested that certain employees who are over age or physically defective enter into an agreement exonerating the Mayor and City Council of Baltimore from responsibility in the event that they should be injured in the performance of their duties because of their physical handicap or over-age status.

Section 53 of Article 101 of the Workmen's Compensation Law provides, in part, as follows:

"No employer or employe who are subject to the provisions of this Article shall exempt himself from the burden or waive the benefits of this Article by any contract, rule or regulation, and any such contract, agreement, rule or regulation shall be pro tante void."

In view of the explicit language of the above-mentioned provision of the Workmen's Compensation Law, I am of the opinion that any agreement such as the one suggested by Mr. Bernhardt would be null and void.

Very truly yours,

(signed) CHARLES C. G. EVANS

City Solicitor

CCOE/RMS