

FILE NO. 72736

January 10, 1941

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

Dear Mr. Mayor:

I am returning herewith Resolution No. 633, entitled "Resolution declaring the policy of the City as to municipal employees who may be inducted into the Federal Service of the United States Army, Navy or Marine Corps".

The Resolution in question declares it to be the policy of the City "insofar as practicable, that any of the municipal employees who shall be called into the military or naval service of the United States shall, on the expiration of such service, be returned to exactly the same position each of them vacated when inducted into the service, or into a higher position, without loss of status, pay, promotion or seniority", and that "insofar as it is legally possible, no person appointed to any position made vacant by the induction of any municipal employe into the Federal military or naval service shall be given a permanent appointment unless there is an additional position which may be filled by such temporary appointee or substitute".

The Resolution, as drawn, presupposes that the municipal employees inducted into the Federal Service will resign from the employ of the City. Should any such employe inducted into the Federal Service resign, he could only be reappointed if placed upon the eligible list submitted to the appointing officer by the City Service Commission, which Commission is given authority by Section 270 of the City Charter to provide for appointments and employments in all positions in the classified service based on merit, efficiency, character and industry.

The City Service Commission now has under consideration the adoption of a rule to safeguard the interests of persons who resign to enter the Federal Service.

At the present time I am not in a position to make any definite recommendation as to what in my opinion is the proper and equitable method of dealing