

FILE NO. 72855

January 27, 1941

Mr. Leon Abranson
Chairman, Special Committee
Equitable Building
Baltimore, Maryland

Dear Mr. Abranson:

On January 21, 1941, you requested my opinion as to the respective rights of department heads and employees in respect to dismissal or suspension from the City Service.

Section 28 of the Baltimore City Charter (1938 Edition) provides:

"28. The heads of departments, heads of sub-departments, municipal officers not embraced in a department, and all special commissions or boards shall have the sole power of appointment and removal at pleasure of all deputies, assistants, clerks and subordinate employees employed by them, unless otherwise provided in this Charter."

The power of removal conferred by Section 28 is limited by the provisions of Sections 270 and 279. Section 270 provides that if upon investigation the Commission shall find -

"that any administrative head of the City Government, including any Commission or Board, or any person having the power of appointment or removal in the Classified City Service of Baltimore, has abused such power by making appointments or removals for any reason other than the good of the public service, it shall so report to the Mayor, who shall thereupon have power to remove forthwith without further hearing such administrative head or person found guilty of such violation by the said Commission."

Section 279 provides as follows:

"279. No person shall be discharged from the Classified City Service or be reduced in pay or position or suspended by the appointing officer for or on account of his political or religious opinions or affiliations, or for refusing to contribute to any political fund or refusing to render any political service; but nothing in this subdivision of this Charter shall forbid the removal, dismissal, reduction or suspension of any such officer or employe for any cause other than those hereinbefore enumerated and which,