

Mr. Leo J. Parr, Executive Secretary, Employees Retirement System (cont'd)

service, or make arrangements within one hundred and twenty days after such release to re-deposit the accumulated contributions which he had previously withdrawn. If he were permitted to make the re-deposit at any time in the future which he may choose, this whole Section of the law would be a nullity, because the provision is based primarily upon the premise that the person must resume his status as an employee within a specified time after returning from the service. That time, which was ninety days in the original Ordinance, is now one hundred and twenty days.

As to Mr. Fulkowski's lack of knowledge of the law, it must be held that knowledge of a statute, which is a matter of public record, is imputed to everyone and it is the individual's responsibility to know the rights and restrictions created under a statute. This particular provision has been a part of the Pension Ordinance since 1943 and, as a matter of fact less than two months after Mr. Fulkowski's return to the employ of the City, this particular Section was liberalized by Ordinance No. 458, approved July 2, 1946, which gave the individual one hundred and twenty days rather than ninety days in which to regain his status and claim any credits due him in the Employees Retirement System.

You are advised that in view of the specific provision of the law, this member's application to re-deposit his prior accumulated contributions and to obtain service credit under sub-section (6) of Section 4 is not now timely and must, therefore, be denied.

Very truly yours, .

/s/ THOMAS N. BIDDISON
City Solicitor

/s/ SHIRLEY BRANNOCK JONES
Assistant City Solicitor

B/J/a