

Mr. Philip Wagner, Executive Secretary, Employees Retirement System (cont'd)

We have reviewed the arguments and data submitted to the Board of Trustees by Counsel for the ten applicants, together with information previously known, or currently obtained. We can, however, find nothing which could support a finding that the employment in question is creditable under the Pension Ordinance. Actual payroll records for the 1940-1945 period are no longer available, but the Central Payroll Bureau records do show the dates upon which the ten persons were first entered on the City payroll. In every instance, (except for James Francey on whom the requested information was not supplied), the date of entry is in 1945 or thereafter, up to as late as September 1, 1950. Also, membership in the Employees Retirement System did not begin in each of the cases until 1945 or thereafter. If these persons were in fact employees of the City of Baltimore during 1940-1945, it would seem logical to assume (1) that they would have then become members of the System under the requirements of Section 3 (Membership) of the Pension Ordinance, and (2) that the names would have been entered on the City payroll.

After thorough consideration this office again holds that, in its opinion, employment under the War Production Training Program did not constitute service as a regular and permanent employee of the City of Baltimore, nor was it service paid for by the City of Baltimore under sub-sections (2) and (6) of Section 1 of the Pension Ordinance. This office feels that it has exhausted all avenues of enlightenment on the subject, and as previously suggested, it appears that one remedial source yet available would be through legislation.

Returned herewith is data submitted to the Board of Trustees by Mr. Edwin J. Wolf, counsel for the employees, which has been studied and considered in connection with this decision.

Very truly yours,

/s/ THOMAS N. BIDDISON
City Solicitor

/s/ SHIRLEY B. JONES,
Assistant City Solicitor

B/J/a