

File No. 97170

February 8, 1957

To the Honorable President and Members of
the Board of Estimates of Baltimore City
City Hall
Baltimore - 2, Maryland

Gentlemen:

With reference to the recent request of the Board of Fire Commissioners for approval of an annual payment in the amount of \$100 each to one Battalion Chief and four Captains assigned to the Incendiary Bureau of the Fire Department, said payment to be in lieu of distinctive uniform provided other members of the Department, please be advised as follows:

Ordinance No. 1416 of 1955 provides:

"174. Every employee of the Police Department, including crossing guards, every employee of the Fire Department, every matron and every jail guard of the City Jail, and every public health nurse of the City of Baltimore, whose duties require him or her to have and use, at any time, a uniform or other distinctive garb, shall either be provided with such uniform or other distinctive garb, free of cost, or shall be provided with an annual allowance in lieu thereof."

It is clear from a reading of this ordinance that providing a uniform, or payment in lieu thereof, is the City's obligation only in those instances where the duties of the employee require him or her to have and use at any time a uniform or other distinctive garb. The Board of Fire Commissioners in their communication state:

"The duties of these officers are of such nature as to require them to be attired in civilian clothing while investigating suspicious fire occurrences."

It is obvious that civilian clothing does not measure up to the express terms of the ordinance as to the requirement for uniform or other distinctive garb.

Under the circumstances it is my opinion that the request