

Mr. Thomas J. Murphy, Secretary  
Civil Service Commission (continued)

Commission, dated April 24, 1951. (See 48 Opinions of the City Solicitor, 35) It was there held that the employees of the Civil Defense Organization occupy a dual status as both employees of the City and of the State. It was further held that these employees are not subject to the jurisdiction of the Civil Service Commission. Apparently, the latter conclusion was reached because under Section 238 of Article 41 of the Annotated Code of Maryland (1957 Ed.), the Director of the Organization was appointed by the Governor and the Director has responsibility for the organization, administration and operation of the agency. This opinion is not wholly in accord with other opinions of this office on similar questions, and, as a matter of fact, the opinions of this office on the various aspects of the application of the Civil Service law to given classifications of employees are not at all in harmony. See for example: 41 Opinions of the City Solicitor, 231; 45 Opinions of the City Solicitor, 7; 48 Opinions of the City Solicitor, 43; 48 Opinions of the City Solicitor, 129; 49 Opinions of the City Solicitor, 68; 51 Opinions of the City Solicitor, 246. We are most reluctant to reconsider a matter which has already been passed upon by this office, but considering the conflict of the opinions on similar subjects, we feel compelled to re-examine the matter in this instance.

Section 144 of the Charter and Public Local Laws of Baltimore City (1949 Ed.) specifies those employees who shall be classified by the Civil Service Commission. The section provides in part that "the Commission shall classify \* \* \* all municipal offices and positions in the City to which appointments are made by any officer (other than the Mayor) who is, or may be, clothed by the Charter, or by any law, or ordinance not inconsistent with the Charter, with the power of making appointments." Later in the section certain positions not relevant here are exempted from the section's application. The question, therefore, is whether or not the employees of the Civil Defense Organization are employees