

Mr. Philip Wagner, Executive Secretary
Employees Retirement System (continued)

Civil Service Commission by the provisions of Sections 142-156 of the 1949 Baltimore City Charter. Section 143 authorizes the Commission to make rules to carry out the purposes of the above mentioned sections, and to provide for appointments and employments in all positions in the Classified Service, and from time to time make changes in the original rules or additions thereto. Among other things, Section 144 states that no appointment to any position in the Classified Civil Service "shall be made except under and according to the rules of the Commission."

On or about April 19, 1959, the Civil Service Commission amended its rule No. 10 to include the following section:

"Sec. (4) (a) No application for any position in the classified service will be accepted from any person who is receiving any pension or service or disability retirement allowance from any fund supported wholly or in part by the City of Baltimore or by the State of Maryland or any of its political subdivisions.
* * *"

The effect of this rule is to bar any person who is receiving any pension or retirement allowance mentioned in the rule from filing an application for a position in the classified service.

Upon close examination of the proposed amendment to Section 3 (1) (a) of the Pension Ordinance, it is found that the contemplated exemption would operate only as to retired persons whose salaries were paid by the City and who now are receiving pension or retirement benefits under one of the so-called "Special Fund" pension plans.

Applying the provisions of the above mentioned rule of the Civil Service Commission and the proposed exemption, it appears that the practical result would be that a pensioner under one of the "Special Fund" retirement plans may be able to secure a