

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

While there is no law in Maryland on the specific subject of waivers of rights under Pension Systems, the Supreme Court of Oregon, in the case of School District v. Teachers Retirement Fund, 96 P. (2d) 419, 125 A.L.R. 720, held that a waiver of claim for disability benefits required to be executed by an applicant for a teacher's position who had a physical infirmity was void as against public policy. This is consistent with the general rule as to the invalidity of a waiver whereby a public employee waives the benefit of a statute which confers on him disability, annuity or pension benefits, on the theory that the donee of a private right created by statute for public good has not the legal power to waive such right. 59 Am. Jur. Waivers, Section 7.

Very truly yours,

/s/ HARRISON L. WINTER
City Solicitor

/s/ BLANCHE G. WAHL
Assistant City Solicitor

HLW:BGW:LN

File No. 104290

May 2, 1961

Mr. Howard C. Beck, City Auditor
Department of Audits
City Hall

Dear Mr. Beck:

Recently you requested the assistance of this office in connection with having legislation passed which would permit the Police Department of Baltimore City to sell unclaimed motor vehicles in the possession of the Police Department after a period of thirty (30) days has elapsed instead of waiting for a period of three (3) months to expire as now provided by Section 584 (a) of the Charter and Public Local Laws of Baltimore City (1949 Edition)