

September 15, 1938

To the Honorable Board of Awards
 City Hall
 Baltimore, Maryland

Gentlemen;

At its meeting held September 14, 1938, the Board requested the undersigned for an opinion as to whether or not the City can require the Contractor under Sanitary Contract No. 326 to limit the number of carpenter's helpers employed in connection with said contract to approximately one carpenter's helper for every three carpenters employed on the job.

Section 4 of the Construction Regulations of the P.W.A., as set forth in the Specifications, recognizes three general classes of labor, namely, skilled labor, semi-skilled labor and unskilled labor. This Section further provides that in case of claims or disputes pertaining to the classification of labor, such claims or disputes shall be decided by the owner, subject to the right of final review by the State Director. Section 1 of the Specifications provides that when any power is possessed by, or any act or thing is to be done by the City and/or owner, the Sewerage Engineer shall exercise such power or do such act or thing.

I am of the opinion that the authority conferred upon the Sewerage Engineer to settle disputes as to classification of labor contemplates that he shall be empowered to decide whether or not the work being done by any particular employee constitutes skilled labor, semi-skilled labor or unskilled labor and that the Sewerage Engineer has no authority to limit the number of persons in any one of the three classes set forth in the Specifications.

I am of the opinion, therefore, that the City, through the Sewerage Engineer, could not compel the Contractor to employ only one carpenter's helper for every three carpenters. If, however, it is claimed that a person is receiving the wages of a semi-skilled laborer and is being employed to do skilled labor, then the Sewerage Engineer would have jurisdiction, subject, of course, to the final decision of the State Director of the P.W.A.

Very truly yours,

(signed) CHARLES C. G. EVANS

City Solicitor

CCOE/RRS