

City Service Commission (cont'd)

I further understand from Mr. McMillin that the person actually in charge of and operating the steam driven machinery will hold a stationary engineer's license and that the Supervisor of Mechanical Operations and Maintenance at the Baltimore City Hospitals will not have any operating responsibility with reference to such machinery. I do not believe that it was intended by the provisions of Sections 516-520 of the City Charter to require all persons supervising the operation of steam engines to take out a stationary engineer's license. The Superintendent of the Baltimore City Hospitals himself exercises a certain supervisory control over the actual operation of all mechanical equipment at the Hospitals and yet it appears to be obvious that it was not the intention of the above mentioned provisions of the City Charter to require him to take out a stationary engineer's license. Mr. McMillin has advised me as follows:

"While this new position or the individual occupying it would have supervisory responsibility for this division, he would not in any way have any operating responsibility. He would assign duties, assign hours, report time, determine records to be kept and act in a consulting capacity to the writer in determining policies in the Power House. In addition, the assistant to this new employee, which position we also are planning to have filled by promotional examination, will be required to carry a first grade engineer's license."

It is my opinion that there is nothing in the specifications submitted to your Commission by the Department Head or in the duties as described by Mr. McMillin to me which would require the Supervisor of Mechanical Operations and Maintenance to be a stationary engineer. This view finds support in an opinion of the Attorney General (Vol. 21, Opinions of the Attorney General, page 887), in which he advised the Board of Examining Engineers that -

The Act does not confer jurisdiction on your Board over power plants or upon the owners or managers thereof. It confines you merely to the regulation of the engineers or other persons who actually operate the engines or machinery."

Very truly yours,

(signed) CHARLES C. G. EVANS
City Solicitor

CCOE/RRS