

File No. 89454

July 2, 1952

Mr. Charles M. Earl, Jr.
Acting Secretary
City Service Commission
City Hall
Baltimore - 2, Maryland

Dear Mr. Earl:

This will acknowledge receipt of your letter of June 27, 1952, in which you say:

"We have received a request to grant a leave of absence without pay to an employee who has completed approximately six weeks of her probationary period. We should like an opinion from you as to whether or not we may extend the probationary period of this employee for the same length of time as the leave of absence without pay, should such requested leave be granted."

Section 150 of the City Charter is, in part, as follows:

"When a vacancy occurs or a new position is created in the classified city service, other than the exempt class, the appointing officer shall fill such position provisionally by the appointment of one of the persons certified to him by the Commission as above provided, which appointment shall be on probation for a period of six months. At or before the expiration of the period of probation such appointing officer, in the exercise of his discretion, may remove the said probationer. Unless so removed during the probationary period, the appointment shall be deemed complete."

The City Service Commission has no power to extend the probationary period beyond the time fixed by the Charter. Moreover, Rule 48 of the City Service Commission contains the following:

"Leave of absence without pay for a period greater than thirty days shall in no case be granted within three months after original appointment," etc.

Very truly yours,

/s/ THOMAS N. BIDDISON
City Solicitor

/s/ ALLEN A. DAVIS
Assistant City Solicitor

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