



MARTIN O'MALLEY
Mayor

BALTIMORE POLICE DEPARTMENT



POLICE COMMISSIONER

ADDENDUM O MEDICAL POLICY

March 10, 2005

Lieutenant Frederick Roussey, President
Fraternal Order of Police
Baltimore City Lodge #3
3920 Buena Vista Avenue
Baltimore, Maryland 21211

Re: Medical Policy

Dear President Roussey:

It is the policy of the Baltimore Police Department to maintain an efficient and effective medical leave system, and to closely monitor sworn members whose employment status is reduced from unrestricted full duty to temporary limited/light duty status due to medical circumstances. **There are no permanent limited/light duty positions within the Department.** A small number of limited/light duty positions are maintained to accommodate temporary assignment of limited/light duty members and those members under disciplinary investigation, not to exceed 12 months. All sworn members of the Department are required to be capable of performing the full duties and law enforcement responsibilities of a sworn member to include the ability to make forceful arrests, to drive vehicles under emergency conditions and to qualify with a weapon. .

Procedure

All sworn members determined by the Public Safety Infirmary (PSI) to be unable to fulfill the full duties of a sworn member will be transferred to the Personnel Section in Locator 408 until such time as they are able to return to a full duty status. Upon return to full duty, the member will return to the assignment they held prior to their transfer to the Personnel Section.

The Personnel Section will provide all necessary supervisory overview, administrative support and personnel assignments to members temporarily placed into Locator 408.

Any sworn member, who after examination by the PSI has been determined to be medically unqualified for full duty, will have twelve months from the date of determination to complete the appropriate procedure to return to full duty status. However, in the case of "line of duty" injuries or

unqualified for full duty, will have twelve months from the date of determination to complete the appropriate procedure to return to full duty status. However, in the case of "line of duty" injuries or illnesses, PSI will not make a determination regarding personnel deemed permanently medically unqualified to return to full duty prior to twelve (12) months from the original date of injury.

If a sworn member is notified that PSI has determined he/she is permanently medically unqualified to return to a full duty status after examination or after the review as provided for in the following paragraph, said member must file a completed application for retirement pension benefit within ninety (90) days from the date of notification of said determination. Failure to file the required application for retirement pension benefit will result in the member being involuntarily separated from the Department due to his/her inability to perform the requirements of a full duty police officer. Any sworn member who files a completed retirement pension benefit application within ninety (90) days of actual notification of PSI's determination of a medical disqualification and who does not voluntarily withdraw said application, shall not be involuntarily separated from the Department until such time as a decision has been rendered on the sworn member's application for retirement pension benefit. If a member is awarded a retirement pension benefit, the member shall retire.

Should the Department receive written certification from a member's physician that the member is (i) qualified to return to full duty status, or (ii) will be qualified to return to full duty status within a reasonable period of time, PSI shall review the written certification. Upon review, if PSI agrees with the physician's certification, the member will be returned to full duty. However, if PSI disagrees with the certification, a conference will be conducted by PSI with the sworn member and the sworn member's physician in an attempt to resolve the difference of medical opinions. If the conference fails to produce an agreement regarding the member's status, the member will have ten (10) days to schedule an examination by a qualified independent physician as agreed upon by PSI and the sworn member's physician or a physician selected by the sworn member with the concurrence of PSI. Once the independent physician is selected as described herein, PSI shall refer the sworn member to that physician for an evaluation of the sworn member's qualification to return to full duty status. Upon receipt of the results of the independent physician's examination, PSI shall make a final determination regarding the member's qualification to return to full duty status.


In the event that no retirement pension benefit is granted to a sworn member that PSI has determined is permanently medically unqualified to return to full duty after examination, that member shall be retained as a police member within the Department in the police member's personnel classification. Furthermore, that member shall remain in the Fire and Police Employees Pension System until such time as the member shall qualify for a service retirement benefit equivalent to fifty percent (50%) of his/her highest eighteen (18) months salary. However, in the event that the sworn member suffers a subsequent injury or illness that may be medically disqualifying, nothing herein shall limit the Department's authority to require the member to be examined by PSI to determine whether he/she is medically qualified to be a sworn member. This paragraph shall not apply if the sworn member has

The Police Commissioner reserves the right in rare circumstances to temporarily extend limited light duty assignments beyond twelve (12) months, when such an extension is in the best interest of the Department as determined in the sole discretion of the Police Commissioner.

It is agreed that the Fraternal Order of Police Baltimore City Lodge #3 will not encourage, directly or indirectly, or financially support litigation which seeks to modify and/or invalidate any portion of this agreement, unless ordered to do so by a court of competent jurisdiction. The Fraternal Order of Police reserves all rights regarding misapplication or breach of this agreement.

It is further agreed that the Fraternal Order of Police Baltimore City Lodge #3 will not testify on behalf of or support any legislation which seeks to establish permanent light duty positions within the ranks of the Baltimore Police Department or which seeks to curtail the Police Commissioner's right to proceed in accord with this agreement. Nor will the Fraternal Order of Police Lodge #3 financially support any effort to pass such legislation.

Sincerely,


Leonard D. Hamm
Commissioner


Accepted for the Fraternal Order of Police:


Frederick V. Roussey, President

Accepted for the FOP
For form and Legal Sufficiency:


Herbert R. Weiner, Esq.

Accepted for the City of Baltimore:


Sean R. Malone, Labor Commissioner