

# Policy 1740



Subject

## MEDICAL LEAVE ABUSE CONTROL (MLAC) PROGRAM

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*By Order of the Police Commissioner*

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### POLICY

It is the policy of the Baltimore Police Department (BPD) to impartially administer the Medical Leave Abuse Control (MLAC) Program, which was agreed to by the Police Commissioner and The Baltimore City Lodge #3, Fraternal Order of Police (FOP). Nothing in this policy shall be construed to require that a member is to be placed into the MLAC Program or to prevent the Commanding Officer from taking formal administrative action for violation of the policies of this Department. Placement in the MLAC Program is given first consideration as an alternative to formal administrative action.

### DEFINITIONS

**Administrative Duties Division (ADD)** — The division that oversees members on long term medical, light duty for two consecutive pay periods or longer. This division will also provide oversight for fitness for duty evaluations and the Medical Leave Abuse Control Program.

**MLAC Log Book** — A book designed to record activities and notifications of members specifically enrolled in MLAC and on Medical Leave.

**Medical Review Officer (MRO)** — The Medical Review Officer, assigned to the Public Safety Infirmary/Mercy Medical Center, conducts physical examinations on members. The Medical Review Officer also evaluates members whose police powers have been suspended for medical reasons for a determination as to treatment and/or continuance of the suspension. In addition, the Medical Review Officer also evaluates the results of all chemical testing inclusive of urinalysis and breath tests to determine abuse situations.

**Medical Certification** — A written document provided to a member from a bona fide clinic that contains the following information:

- Date and time of treatment;
- Address, phone number, office email address, and medical specialty of healthcare provider that provided the treatment;
- Date and signature of healthcare provider;
- Medical facts to support the absence, such as a statement that the member is absent due to a personal injury or illness;
- Expected date of return to duty.

**Uncertified** – As it relates to the MLAC Program, an Uncertified medical day or occasion, or Uncertified usage, refers to the use of medical leave, regardless of duration, for which no Medical Certification is submitted to the member's immediate supervisor.

### **GENERAL**

1. Placement in the MLAC Program is given first consideration as an alternative to formal administrative action.
2. Any member who receives a significant injury in the performance of their duties during the one (1) year period described in paragraph 7 below will be exempted for that period in all cases where their medical record would not otherwise justify inclusion into the MLAC Program.
  - 2.1. This exemption expires and the member becomes eligible for enrollment in the MLAC Program on whichever of the following occurs first: the passage of 12 months from the date of injury, or the member reaching maximum benefit of medical treatment for this injury, as determined by their treating physician and/or the MD/MRO. The MD/MRO makes the final determination in these matters.
  - 2.2. If a member has been cleared to return to duty after a line of duty injury, the member is no longer approved for medical leave associated with that injury. In order for a member to use medical leave associated with a line of duty injury, that member must report to Mercy PSI and follow the requirements outlined in [Policy 1713, Medical Policy](#). Questions about these requirements can be directed to [AdministrativeDutiesDivision@baltimorepolice.org](mailto:AdministrativeDutiesDivision@baltimorepolice.org).
3. Members placed in the MLAC Program will remain in the program for one (1) year, during which time continued absenteeism for medical reasons may subject members to an extension in the program and/or may constitute just cause for administrative action against the member.
4. Any member participating in the MLAC Program who utilizes less than eight (8) medical days and less than four (4) separate occasions during the one (1) year period as designated will automatically return to normal status.
5. Commanding Officers will retain the discretionary authority, in consultation with the Commander of ADD, to return a member to normal status who exceeds the above guidelines in a case where they suffer a clear-cut, bona fide, line-of-duty injury during the designated one (1) year period.

**MLAC PROGRAM CRITERIA**

6. The MLAC Program applies to sworn members - Unit I (Police Officers, Police Agents and Flight Officers) and Unit II (Police Sergeants and Police Lieutenants) members, and other members as designated by the Police Commissioner. Placement in the MLAC Program is at the discretion of a member's Commanding Officer.
7. After consultation with the Administrative Duties Division (ADD), any Unit I or Unit II members may be placed into the MLAC Program by their Commanding Officer only after the member's direct supervisor has met with the member and clearly explained the criteria for inclusion in the program. If, after this meeting, the member's leave usage continues to meet the MLAC Program criteria in any of the ways described below, they will be placed in the MLAC Program.
  - 7.1. When in a twelve (12) month period that member:
    - 7.1.1. Uses a total of eight (8) Uncertified medical days; or
    - 7.1.2. Reports on medical leave on four (4) separate Uncertified occasions; or
    - 7.1.3. Uses fifteen (15) or more medical days, regardless of certification; or
    - 7.1.4. Uncertified usage before or after regular days off on three (3) occasions.
  - 7.2. When a member uses medical leave in a manner described below:
    - 7.2.1. Uncertified usage on any specific tour of duty in the case of those employees who rotate shifts on three (3) occasions;
    - 7.2.2. Uncertified usage on a specific day of the week on three (3) occasions; or
    - 7.2.3. Usage of medical leave after being denied other leave on two (2) occasions.
8. Absence or leave designated under the Family and Medical Leave (See [Policy 1726, Family Medical Leave Act](#)) and the Maryland Healthy Working Families Act ("Sick and Safe Leave") shall not be counted when considering whether to include a member into the MLAC program.

**REQUIRED ACTION****Members**

9. When on Medical Leave after being placed in the MLAC Program, members shall remain at home as per the mandates in [Policy 1713 Medical Policy](#) and PCM 24-02 *Medical Leave Home Restrictions*, which clarifies that the home-bound restrictions apply to the member only during the times of their regularly scheduled work shifts. According to [Policy 1713, Medical Policy](#) and PCM 24-02 *Medical Home Leave*, during the time that they would normally work, members are restricted to their homes, except to attend the below listed places. Before leaving home and when returning home, the member shall notify a supervisor at their Command or detailed assignment when detailed.
  - 9.1. Medical facility.

- 9.2. Pharmacy.
- 9.3. Polling place.
- 9.4. Place of worship.
- 9.5. Retail outlet which sells primarily food.
- 9.6. To pick up an immediate family member and return them home.
- 9.7. If approved by:
  - 9.7.1. The employee's personal physician
  - 9.7.2. The employee's Commanding Officer or the Commanding Officer's designee
  - 9.7.3. The Administrative Duties Division/Medical Section
- 9.8. Other places in the event of exigent circumstances.

**NOTE:** As for attending court, members should be aware that if they fail to appear for court, they may be subject to judicial ramifications. Members are reminded that the Department has no authority to supersede a court subpoena by excusing the member's appearance in a judicial proceeding. When an issued subpoena has been received, responsibility falls on the summonsed member to notify the courts of their status. See [Policy 1811, Court/Administrative Hearing Procedures](#) for additional instructions.

- 10. Members shall not leave home during the time of their regularly scheduled shifts for any other reason (other than listed in paragraph 9 above) except with approval from their Commanding Officer.
  - 10.1. If the member's Commanding Officer denies the member's request to leave home for medical necessity, the member may appeal the denial to the Commanding Officer, ADD.
  - 10.2. If an emergency situation occurs when the member's Command is closed and the member must leave home for medical necessity, the member shall contact the Communications Section, and request that the member's Commanding Officer be notified as soon as practicable.
- 11. To appeal placement in the MLAC Program, members shall adhere to Departmental grievance procedures (see [Policy 1706, Grievance Procedure](#)).
- 12. The following sanctions will be placed on members while in the MLAC Program:
  - 12.1. A physician's Medical Certification is required for all uses of medical leave while placed in the MLAC Program, regardless of duration. Members in the MLAC Program shall submit the Medical Certification to their immediate supervisor within two (2) working days after they return to duty.

- 12.1.1. If the physician's Medical Certification is not submitted on time, the member shall explain the reason for the delinquency in an Administrative Report and submit it to their supervisor.
- 12.2. Members in the MLAC Program are not permitted to participate in secondary employment nor in other overtime details.
- 12.3. If a supervisor determines that it is necessary to impose mandatory overtime ("draft"), a Member in the MLAC Program may volunteer to work mandatory overtime in patrol. Members may only volunteer at roll call before a supervisor compels Members of the on-duty shift to work additional hours according to Policy 819, *Patrol Staffing Shortages*.
- 12.4. Overtime compensation shall not be awarded to the member for the purpose of obtaining Medical Certification.
13. To return to normal status or to be removed from the MLAC Program, members must, after one (1) year of MLAC Program participation, have used less than eight (8) medical days and less than four (4) separate occasions during the one (1) year period as designated.
- 13.1. Commanding Officers shall retain the discretionary authority to return a member to normal status who exceeds the above guidelines.
- 13.2. Additionally, if a member exceeds the above guidelines during the one (1) year period as a result of suffering a documented line-of-duty injury while in the MLAC Program, the member may be removed from the Program.
14. Before any action may be taken against a member as a result of an accusation that they violated the provisions of the MLAC Program, the member is entitled to a hearing. Members shall submit a Form 95, Administrative Report to their Commanding Officer to request such a hearing.

### **Permanent Rank Supervisors**

15. Supervisors shall ensure Medical Log Books are maintained, current, and secured.
16. Supervisors shall monitor Medical Leave of subordinates to determine if they meet the MLAC Program criteria. Detailed members shall be monitored by the supervisor of their detailed assignment.
17. When a subordinate meets one or more of the placement criteria for the MLAC Program, the supervisor shall meet with the member and outline the MLAC eligibility criteria. The supervisor shall document the meeting on an administrative report and provide the member with contact information for Officer Safety and Wellness and the current employee assistance provider.
- 17.1. The meeting must take place with the Member before the Member can be recommended for the MLAC Program, so the Member has an opportunity to correct the behavior.
18. If after the meeting, there is one or more MLAC-eligible occurrences by the Member, the supervisor shall submit a Form 95, Administrative Report to their Commanding Officer. This report must contain the list of leave occurrences, the supervisor's written recommendation and reason(s)

for the subordinate's enrollment in the MLAC Program, and documentation of the Member's Workday leave requests for the period in question.

19. Supervisors shall forward all requests to be removed from the MLAC Program to the ADD via official channels for approval/denial.
20. Upon receipt of Medical Certifications, supervisors shall forward them to the ADD.
21. Supervisors shall review Administrative Reports along with delinquent Medical Certifications, and forward these documents, via official channels, to ADD. If a member in the MLAC Program submits an Overtime Request for regular (daily) overtime or Secondary Employment overtime in Workday, the member's supervisor shall deny the request and write "Disapproved - MLAC Program Enrollee" as the "Reason" (required when denying an overtime request in Workday).
  - 21.1. Exception: A Member enrolled in the MLAC Program is entitled to Overtime Compensation if they have a call for service or a job assignment that extends them past their tour of duty and must be completed by the end of their tour of duty (e.g., processing an arrest) or when permitted in 12.3 or mandatory overtime according to Policy 819, *Patrol Staffing Shortages*.
22. Supervisors shall approve/disapprove/acknowledge reports about the MLAC Program sent via official channels, and forward them to their Commanding Officer and Administrative Lieutenant.

#### **Administrative Lieutenants**

23. Administrative Lieutenants shall track members' medical leave usage via a monthly audit to determine if members meet MLAC Program criteria. The Administrative Lieutenant shall advise the appropriate supervisor when a member appears to qualify for the MLAC Program so that the supervisor may meet with the member as described in item 17 above.
24. Administrative Lieutenants shall maintain an MLAC Program file for each MLAC participant, which contains copies of all reports, forms and other medical leave and MLAC related documentation, as well as the member's MLAC expiration date. All documentation must be forwarded to ADD upon receipt and review.
25. Administrative Lieutenants shall advise members when they are removed from the MLAC Program.

#### **Commanding Officers**

26. Commanding Officers shall maintain a log to record notifications by members of their Command who are enrolled in the MLAC Program. Approve/disapprove requests based on MLAC Program guidelines. The format for the Medical Log Book is as follows:
  - 26.1. Member's name.
  - 26.2. Is member enrolled in the MLAC Program (yes/no)?
  - 26.3. Date.

- 26.4. Approved/Disapproved.
- 26.5. Time left/Time returned.
- 26.6. Destination.
- 26.7. Approving/Disapproving signature.
- 27. When approved by the ADD, Commanding Officers shall notify members of their enrollment in the MLAC Program, to include members detailed to their Command.
- 28. When placing or extending a member's placement in the MLAC Program, Commanding Officers shall perform the following within five (5) working days:
  - 28.1. Provide written notification to the affected member.
  - 28.2. Provide a projected date to be removed from the MLAC Program.
  - 28.3. Forward copies of all correspondence to the ADD.
- 29. Commanding Officers shall approve/disapprove MLAC participants' requests to leave home for other reasons not specifically listed in this policy. Commanding Officers shall ensure supervisors under their Command are advised of members with approved special requests/leave.
- 30. When a member requests to be removed from the MLAC Program, Commanding Officers shall provide written notification to the Commander of ADD.
- 31. Commanding Officers shall ensure MLAC participant members are automatically returned to normal status when the member has completed one (1) year in the MLAC Program, and within that time the member has used **less than 8 medical days and less than 4 separate occasions**.
  - 31.1. If the member has exceeded the above guidelines as the result of a clear-cut bona fide line-of-duty injury suffered during the year in question, the member may be returned to normal status.
  - 31.2. Additionally, Commanding Officers, in conjunction with the Commanding Officer of ADD, may use their discretion to return a member to normal status even if they do exceed the above guidelines.
- 32. Commanding Officers shall ensure members attend or complete their follow-up visits at PSI.
- 33. Commanding Officers shall take appropriate disciplinary action when necessary.

**Office Supervisor**

- 34. Office Supervisors shall maintain the MLAC Program File and MLAC related forms.
- 35. Office Supervisors shall advise the ADD if a new MLAC enrollee has any previously-approved secondary employment.



36. Office Supervisors shall staple a member's Medical Certifications and Discharge Instructions/Return to Duty Slips to the canary copy of the Medical Leave and Cancellation Form.
37. When a member is in the MLAC Program, Office Supervisors shall flag all Discharge Instructions/Return to Duty Slips without Medical Certifications and notify their Administrative Lieutenant immediately.
38. Office Supervisors shall keep all member-specific MLAC forms/reports in the MLAC Program File under the member's name for future reference. Move any Secondary Employment Request forms to the member's MLAC Program file.
39. Officer Supervisors shall maintain a running list of members in the MLAC Program. Give this list each month to Commanding Officer and all lieutenants. Maintain expired MLAC program files and records for seven (7) years.

**Commander, ADD**

40. The Commander of ADD shall oversee ADD's execution of the following responsibilities:
  - 40.1. Approvals of member placement in the MLAC Program;
  - 40.2. Receiving and tracking Medical Certifications, MLAC Program notifications to and correspondence with program participants, Administrative Reports with delinquent Medical Certifications, secondary employment requests, and MLAC participants' requests for removal from MLAC.
  - 40.3. Written responses either approving or denying MLAC participants' requests for removal from the program.
    - 40.3.1. Any written denial by ADD to member removal requests must list the reason(s) for the denial.
    - 40.3.2. Forward notification of extensions to the member's immediate supervisor, Administrative Lieutenant, Office Supervisor and the Human Resources Section.
  - 40.4. Ensuring the ADD coordinates medical services for Departmental personnel.
41. The Commander of ADD shall determine if a member in the MLAC Program may leave their home after their request was denied by their Commanding Officer.
42. Quarterly, the Commander of ADD shall notify the FOP Lodge #3 on all members in the MLAC Program, to include those who have completed the MLAC Program and are returning to normal status.
  - 42.1. Medical records, history, or personal information about members in the MLAC Program **shall not** be released to the FOP Lodge #3 without prior written authorization from the member.



**Administrative Actions / Penalties**

43. A member accused of violating the provisions of the MLAC Program is entitled to a hearing before any action may be taken as a result of this policy. After a determination has been made that a member has violated any of the provisions of this program, they shall, in addition to loss of wages for the day(s) not worked, be disciplined in accordance with the following procedures:
- 43.1. One (1) day's suspension without pay for the first violation.
  - 43.2. Suspension without pay for three (3) days and forfeiture of secondary employment opportunities for an additional twelve (12) months for the second violation.
  - 43.3. Trial Board with a view towards termination for the third violation.
44. The above provision shall not apply to absences preceding a member's placement in the MLAC Program.

**RESCISSION**

Rescind Policy 1740, *Medical Leave Abuse Control (MLAC) Program* dated 19 March 2022

**ASSOCIATED POLICIES**

[Policy 1706, \*Grievance Procedure\*](#)

[Policy 1713, \*Medical Policy\*](#)

[Policy 1726, \*Family Leave Medical Act\*](#)

[Policy 1811, \*Court/Administrative Hearing Procedures\*](#)