

**CITY OF BALTIMORE
COUNCIL BILL 05-0005R
(Resolution)**

Introduced by: Councilmember Young, President Dixon, Councilmembers D’Adamo, Harris, Holton, Kraft, Welch, Mitchell, Clarke, Branch, Reisinger, Conaway

Introduced and read first time: January 24, 2005

Assigned to: Education, Housing, Health, and Human Services Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works, Department of Transportation, Health Department, Labor Commissioner

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Termination of Employees Assigned to Light Duty – Adding Insult to Injury**

3 FOR the purpose of requesting the Director of Human Resources to advise the City Council on
4 current City policy for placing workers who have been injured on the job in “light duty”
5 assignment until their recovery, or for the remainder of the service requirements needed to
6 qualify for full retirement benefits; inviting the Labor Commissioner to share with this Body
7 specific clauses, if any, in union contracts that provide for these contingencies; asking the
8 Director of the Department of Public Works, the Director of the Department of
9 Transportation and the Baltimore City Health Commissioner to address reports that workers
10 assigned to alternative duties in those departments have been terminated prematurely,
11 resulting in their disqualification for retirement benefits; and exploring the need for the
12 formation of an umbrella organization assigned to determining areas of need and providing
13 for the placement of employees in agencies that express a need for supplemental services.

14 **Recitals**

15 Current and former employees of various departments in City government have launched
16 complaints concerning their treatment at the hands of employers following incidents of line-of-
17 duty injury or illness or disability that result in a permanent or temporary change in ability to
18 perform to job specifications. Specifically, employees allege that in some instances their fitness
19 for duty, as determined by private physicians, is not being upheld or verified by the City clinic,
20 and, in other instances, the City clinic has advised employers that the employee has been
21 determined to be unfit for duty, without notification to the employee.

22 What follows is, in part, a letter typical of those sent to injured employee: The _____
23 Department is in receipt of information relating to your fitness for duty exam determining that
24 your are unable to perform the essential functions of _____. You are no longer
25 qualified to continue in your present job classification. You must choose 1 of the following
26 options to resolve your work status:

- 27 • Provide a written list of requested work site modifications which would allow you to
28 return to full duty. Please note that these proposed modifications must allow you to

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

1 perform All of the essential functions of your position. The Department will reserve the
2 right to determine whether these modifications are reasonable.

3 • Seek another funded vacant City position for which you may qualify. You must be able
4 to perform ALL of the essential functions and will receive the pay associated with the
5 new position. The Department will determine whether you should be transferred or
6 demoted into the requested position.

7 • Submit a letter of resignation no later than 2 weeks from issue of this letter. If you resign
8 in good standing, and your medical condition improves enough for you to perform all the
9 essential functions within a year, you may be eligible for re-employment through the
10 Department of Human Resources.

11 • Apply for disability retirement or service retirement. To determine your eligibility and
12 obtain assistance in filing your application call a Retirement Benefits Analyst.

13 The letter goes on to give the employee a mere 14 days to inform the Department of the
14 option the employee has chosen. Other injured or ill employees are not even given the common
15 courtesy of even this perfunctory letter – they are being unceremoniously told that their services
16 are not longer needed and are left to fend for themselves in determining what options are
17 available to them.

18 A City that prides itself in the services it offers to its citizens should also be able to take pride
19 in the care and common dignity it can afford those who dedicate their working lives to providing
20 those exemplary services.

21 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this
22 Body requests the Director of Human Resources to advise the City Council on current City
23 policy for placing workers who have been injured on the job in “light duty” assignment until
24 their recovery, or for the remainder of the service requirements needed to qualify for full
25 retirement benefits; invites the Labor Commissioner to share with this Body specific clauses, if
26 any, in union contracts that provide for these contingencies; asks the Director of the Department
27 of Public Woks, the Director of the Department of Transportation and the Baltimore City Health
28 Commissioner to address reports that workers assigned to alternative duties in those departments
29 have been terminated prematurely, resulting in their disqualification for retirement benefits; and
30 will explore the need for the formation of an umbrella organization assigned to determining areas
31 of need and providing for the placement of employees in agencies that express a need for
32 supplemental services.

33 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor; the
34 Director of Human Resources; the Labor Commissioner; the Director of Public Works, the
35 Director of Transportation; the Health Commissioner; Representatives of AFSCME Local 44,
36 AFSCME Local 558, AFSCME Local 2202, the City Union of Baltimore, the Fire Fighters
37 Union, the Fire Officers Union, the Fraternal Order of Police and MAPS; and the Mayor’s
38 Legislative Liaison to the City Council.