

City Leadership Response*

Case # 26-0025-I

*The OIG received City Leadership's response to the report. While the OIG strives to publish responses in full, the response included an attachment (Attachment B) that may include confidential information. The OIG did not include that attachment when publishing City Leadership's response due to those concerns but anyone interested in obtaining that attachment can submit an information request to City leadership.



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

February 20, 2026

Isabel M. Cumming, Inspector General
Office of the Inspector General
100 North Holliday Street
Baltimore, MD 21202

RE: OIG Case #26-0025-I – Use of Permission Leave

Dear Inspector General Cumming,

This correspondence will serve as the official response of the Mayor’s Office to the Office of the Inspector General (“OIG”) Report of Investigation #26-0025-I (the “Report”), dated February 6, 2026. The Report discusses the OIG’s findings and recommendations regarding the use of permission leave for employees at the time of their separation from City of Baltimore (“City”) service.

As a threshold matter, it should be noted that in 2021, the Office of the Labor Commissioner (“OLC”) discontinued using the term “permission leave,” replacing it with the term “administrative leave” to identify more precisely the nature of the leave. As defined, administrative leave is employer-authorized, temporary absence from duty, without loss of pay and without charge to an employee’s accrued leave.

Requests for administrative leave follow a regular and well-established process, which is initiated, when appropriate, by supervisory personnel within a City agency or office, and submitted in writing, by an HR practitioner, to the OLC, for approval. Upon receipt, the OLC reviews the facts and circumstances of each leave request, on a case-by-case basis, evaluating the justification for both the nature and length of the request. If more information is needed to determine whether leave is warranted, the OLC contacts the requesting HR practitioner. Once the OLC has sufficient information to approve or deny a request, it promptly does so. If approved, the OLC sends the HR practitioner a confirmatory memo with an Administrative Leave Code (“Code”), corresponding to the request, to use for payroll marking purposes.

These Codes are listed on an OLC Memo, which is periodically updated and sent to all HR practitioners. The most recent version was sent out on August 6, 2025.¹ (Attachment A).

Although there is not currently a formal policy, administrative leave is, without question, granted equitably across the entire City workforce. For example, the OLC grants administrative leave to employees to address health and wellness issues via:

- DHR Wellness Fairs and Events
- DHR Open Enrollment Events
- Flu and COVID-19 Vaccinations

Similarly, the OLC grants employees administrative leave to attend educational seminars regarding financial health and retirement planning such as:

- ERS Retirement and Financial Planning Seminars
- BCFPERS Pre-Retirement Seminars

The OLC also grants employees administrative leave in acknowledgement of their exceptional contributions to City service, through programs such as:

- DHR Employee Recognition Program
- Agency Employee of the Month and Employee of the Year Programs
- Agency Employee Recognition Events²

Early dismissal for holidays, such as the day before Thanksgiving, and New Year's Eve, is yet another category for which the OLC grants administrative leave across the City workforce.

In addition to the above examples of administrative leave, which promote wellness, retirement planning, and boost employee morale, there are other instances in which administrative leave is granted to ensure employee safety and to support the proper application of other City policies. These instances include:

- Building Closures (e.g., due to loss of AC, heat, electricity or criminal activity)
- Workplace Violence Investigations
- Employee Assistance Program ("EAP")
- Post-Accident Employee Testing
- Early Closure and Delayed Opening for Inclement Weather Events

Use of Administrative Leave and Severance Pay in Employment Matters

The City of Baltimore, in line with common and standard practice across industries, regularly uses severance pay and administrative leave as tools to effectively and efficiently manage employment matters. The use of these tools is discretionary and entirely dependent on the circumstances of the separation of the employee in question. Administrative leave at separation is granted on a case-by-case basis. It is typically used to:

- Facilitate orderly leadership transition
- Ensure appropriate transfer of responsibilities

- Maintain operational stability
- Allow time for negotiation and execution of formal separation agreements, including instances involving third-party negotiators or legal counsel.

This practice is administrative in nature and intended to protect both organizational continuity and employee due process.

Multiple city agencies have used administrative leave at the time of separation to facilitate staff transitions ranging from administrative support staff to agency executives. Administrative leave should be used on a case-by-case basis when case factors warrant the use of leave.

It is the City's practice to use its discretion as to the amount of administrative leave or severance pay to offer to employees in these cases. While this may result in different severance packages or amounts of administrative leave being offered to different employees, this by itself should not result in discriminatory disparate impact. Rather, that use of discretion is paramount to the City's ability to manage employee separations and other employment matters in such a way that protects the integrity of operations and ensures the most efficient use of City resources.

Mayor's Office Use of Administrative Leave

The Mayor's Office positions identified in the report reflect individual personnel actions taken under authority and categories outlined in the OLC guidance. Each action was documented in Workday and coded under an approved category consistent with policy.

Also, it is important to clarify that two of the employees mentioned in the report (Report Table 1) under the Mayor's Office were not employees of the Mayor's Office. Accordingly, their administrative leave costs should be attributed to their respective agencies. (Report Table 2), and not to the Mayor's Office.

While the Administration will not go into detail on specific personnel actions, I do want to clarify the facts around the administrative leave that was offered to an employee outside of termination.

The report refers to an employee whose administrative leave was not associated with a separation agreement. Instead, the leave aligned with an authorized personnel action applicable to that employee. Additionally, during the relevant period, the employee remained actively engaged in City business and documented more than 60 hours in meetings (Attachment B), exclusive of email correspondence and other administrative responsibilities.

The report also refers to an employee's prior use of compensatory time. The employee's last recorded compensatory time entry occurred on May 8, 2024. The employee's compensatory time bank had not been updated to reflect hours worked beyond the normal tour of duty for more than a year and a half. Further the employee was part of the citywide Employee Recognition Program which provides administrative leave for exceptional city service.

Next Steps


We appreciate the OIG's detailed investigation and recommendations regarding the use of administrative leave. DHR, the OLC, and the Law Department will begin a review of relevant Administrative Manual ("AM") policies, and the administrative leave process to ensure the process is both fair and equitable.

If you have further questions regarding this response, please do not hesitate to contact me, at Faith.Leach@baltimorecity.gov.

Faith P. Leach
Chief Administrative Officer

cc: Honorable Brandon M. Scott, Mayor
Ebony M. Thompson, City Solicitor
Deborah F. Moore-Carter, Labor Commissioner
Jacia T. Falcon, Acting Chief Human Capital Officer
Stephen Salisbury, Deputy City Solicitor

Attachment A

FROM	NAME & TITLE	Deborah F. Moore-Carter Labor Commissioner	CITY of BALTIMORE MEMO (410) 396-4365	
	AGENCY NAME & ADDRESS	Office of the Labor Commissioner 417 East Fayette Street, Suite 1203		
	SUBJECT	Office of the Labor Commissioner Administrative Leave Codes (Update)		

TO: HR Practitioners

August 6, 2025

The Office of the Labor Commissioner (OLC) has updated the administrative leave codes*.

21	COVID-19
155	Workplace Violence Incident
156	Closing of Facilities (with explanation)/ Safety Concerns
157	Inclement Weather
158	EAP / Drug & Alcohol Results
159	Security / Layoff
160	Pending Investigation
161	Termination / Separation Agreement
162	Transfer-Legal
163	Grievance Settlement / Settlements
164	Return to Work – Resolution
165	Contagious Health/Environmental Condition / Safety Concerns
166	Confidential-OLC (with explanation)
167	Health-Related Issues (e.g., Cancer Screening, Flu Vaccine)
168	Organ Donation Leave
169	Election Day
170	Employee Recognition
171	DHR – Examination (CUB)
172	Disaster Relief / Volunteer Activities (with explanation)
173	Combined Charities / United Way
174	Other (with explanation)
176	Emergency Paid Sick Leave (Employee)
177	Emergency Paid Sick Leave (Other)
178	Expanded Family Medical Leave (EFML)
179	Employee Temperature Check Program (ETCP)
180	COVID-19 Vaccination
181 *	Public Health Emergency (181)
182 *	Seminars/Workshops (182)
183 *	Wellness Events (183)

If you have any questions or concerns, please feel free to contact our office on (410) 396-4365, or olc@baltimorecity.gov . Thank you for your cooperation in this matter.