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LABBB COLLABORATIVE FMLA FACT SHEET

Notification By Employee

Employees requesting FMLA leave must provide at least 30 days advance notice before leave is to begin, or if the need for leave is unanticipated, as much advance notice as practicable. Employees requesting FMLA leave are required to complete the LABBB Collaborative's leave request form (enclosed) and submit it to the Executive Director or his designee at the time the leave is requested.

Employer Response

Upon receipt of the leave of absence form from the employee, the LABBB Collaborative will notify the employee of the approved (or not approved) FMLA leave by completing the Form WH-382, Designation Notice (FMLA).

The LABBB Collaborative requires certification from a health care provider substantiating a leave request for the serious health condition of the employee or the employee's child, spouse or parent. In such cases, the Form WH-380-E, Certification of Health Care Provider for Employee's Serious Health Condition or the Form WH-380-F, Certification of Health Care Provider for Family Member's Serious Health Condition (enclosed) should be completed by employee. This certification, reflected by a completed Form WH-380-E or WH-380-F, should be provided by the employee to LABBB before the leave begins. If this is not possible, the employee must provide the certification within 15 days of LABBB's request.

Substitution of Paid Leave

Employees on approved FMLA leave will be required to apply accrued paid sick leave, accrued paid personal days and accrued paid vacation to family/medical leave as follows:

- If leave is taken for the birth of a child or for the adoption or placement of a child for foster care, or on account of the serious health condition of a spouse, child or parent, then the employee must apply paid sick leave if available under a collective bargaining agreement, accrued paid vacation and accrued paid personal days, in that order.
- If leave is taken on account of the employee's own serious health condition, then the employee must apply accrued paid sick leave, accrued paid vacation and accrued paid personal days, in that order.
- If an employee's accrued paid leave time is less than twelve weeks, then any remaining family/medical leave will be unpaid.

Benefits During Leave

During a covered family/medical leave, the LABBB Collaborative will maintain an employee's group health insurance coverage at the same level and under the same conditions the employee would receive if not on leave.

Maternity Leave

Female employees who meet the FMLA eligibility requirements will be granted maternity leave in accordance with LABBB's FMLA leave policy. Female employees who do not meet the eligibility requirements for FMLA leave may request maternity leave under the Massachusetts maternity leave statute, under which female employees are entitled to eight (8) weeks of unpaid leave. Notification requirements are the same as for requesting FMLA leave.

Additional Information:

WDH Publication 1420 Revised January 2009 "EMPLOYEE RIGHTS AND RESPONSIBILITIES"