University of Massachusetts Amherst

Office of Human Resources

To Care for Family Member

Dear USA/MTA Sick Leave Bank Member:

Thank you for your interest in the USA/MTA Sick Leave Bank. Please reference Article 10 of the Agreement between the University of Massachusetts' Board of Trustees and the University Staff Association (USA/MTA/NEA) which establishes a Sick Leave Bank for USA/MTA/NEA employees.

The Sick Leave Bank was created in part to provide income security to Sick Leave Bank members who:

- Are out of work for the purpose of caring for a qualified family member* who suffers from a serious health condition.
- Have a reasonable expectation and intention of returning to the position from which leave was granted after the leave period concludes.
- Are not receiving, or eligible to receive, income replacement from another source.

Please remember that you may not be absent from work without your department's approval. The University has established a standard procedure for requesting leave from your department. This process is described in the attached document titled Employee's Family/Medical Leave Request Checklist.

While on an approved leave, and after a member exhausts all of their own accrued time excluding two (2) weeks of a combination of compensatory, personal, and vacation time, a member may apply for income replacement via the attached application to the USA/MTA Sick Leave Bank for consideration.

A completed application will consist of:

- Section One: Completed by the member.
- Section Two: Completed by member and accompanied by a U.S. Department of Labor's Certification of Health Care Provider for Family Member's Serious Health Condition (WH-380-F) completed by the treating health care professional.
- Section Three: Completed by the member's departmental HR Representative.

Please contact me with questions regarding the process of applying to the Sick Leave Bank (AskHR online at www.umass.edu/hr).

Sincerely,
Kelly Pleasant
On behalf of the USA/MTA Sick Leave Bank

*Bank members may apply for leave required to care for a child, parent, or sibling of either a bargaining unit member or his/her spouse; the bargaining unit member's spouse, grandchild or grandparent; or a relative living in the immediate household of a bargaining unit member in the event that close relative is suffering a serious health condition.

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Employee's Family / Medical Leave Request Checklist

#1 At least 30 calendar days prior to your leave* (or if medically unable, as soon as practicable), submit a written, signed, and dated request to your supervisor, cc your Human Resources representative, indicating:

1) That you are requesting a family / medical leave,

2) The anticipated dates of your leave (including the date you intend to return to work)
If requesting an intermittent leave, the work schedule you propose.

3) How you are requesting to secure income. Eg, if leave is approved are you asking your department to submit your sick time? Vacation time? Personal time? Are you requesting unpaid leave?

#2 Concurrently or within 15 calendar days thereafter provide your Human Resources representative supporting documentation. What is that documentation? If your need leave due to:

- Parental Leave*
  - Prepare for birth of a child or to bond/care for child within 12 months following birth: provide a medical note or birth certificate establishing relationship and child's date of birth
  - Adoption/placement of a child in foster care with you, or bond with/care for a child within 12 months following adoption/placement): legal document establishing date of adoption by/placement with you.
- Your own illness/injury:
  Certification of Health Care Provider form for an Employee's Serious Health Condition
- Care for a family member with an illness/injury:
  Certification of Health Care Provider form for a Family Member's Serious Health Condition
- Care for a family member whose illness/injury results from active US Military service:
  Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave
- Your family member being on, or called to, active duty in the US Military:
  Certification for Military Family Leave for Qualifying Exigency

If you encounter challenges opening Certification forms using the links above all forms are available on the Department of Labor website: www.dol.gov/agencies/whd/fmla/forms

All forms are available from your Human Resources representative, on the UMass Amherst Human Resources website (www.umass.edu/humres/hr-library) and from the Human Resources Employee Service Center (325 Whitmore Admin. Bldg.).

* Birth/adoption/placement of a child is a qualifying event to make changes to your health & dental insurances and enroll/change a Health Care Flexible Spending Account / Dependent Care Assistance Plan. These changes must be completed within 60 days of birth/adoption/placement. You may also wish to review your tax withholdings and life insurance/retirement beneficiaries. Consult the Human Resources website or a UMass Human Resources Employee Service Center (room 325 Whitmore Administration Building) representative for more information.

University of Massachusetts Amherst

USA / MTA SLB

Application for Income Replacement

For Approved Leave for Caring for a Family Member with a Serious Health Condition

SECTION ONE: EMPLOYEE INFORMATION
(to be completed by applicant)

Please submit this application form and the requested information if you are applying for income security during a leave period that has been approved by your department in order for you to provide care for a qualified family member that is suffering from a serious health condition. The Sick Leave Bank is not intended to act as a substitute for, or supplement to other sources that may be securing your income during a leave period.

Name: _____ Employee ID Number: _____

Home Address: _____

Home Telephone Number: _____ Work Telephone Number: _____

Email Address: _____

Job Title: _____ Department: _____

Supervisor's Name: _____

Email Address: _____ Telephone Number: _____

Department Time and Attendance Keeper: _____

Email Address: _____ Telephone Number: _____

Have you applied for income replacement through any other source? ☐ YES ☐ NO

Last Day Worked: _____ Intended Date of Return to Current Position: _____

Please describe the situation for which you are requesting time from the Sick Leave Bank.

My signature below certifies that the information I provided in Section One of this application is true and accurate. I agree to notify the Committee prior to application for income replacement from another source for this leave instance.

Signature: _____ **Date:** _____

USA/MTA Sick Leave Bank * contact: Human Resources * phone (413) 545-1478 * fax (413) 545-0483
Thank you for taking the time to complete this form.

University of Massachusetts Amherst

USA / MTA SLB

Application for Income Replacement
For Approved Leave for Caring for a Family Member with a Serious Health Condition

Section Two: Medical Information

In support of your request for benefits from the USA/MTA Sick Leave Bank, please attach the Department of Labor's Form WH-380-F; Certification of Health Care Provider for Family Member's Serious Health Condition (attached). *This form must be completed by the medical professional treating your relative for his/her illness.*

I have attached the following documents in support of my application.

☐ Department of Labor Form WH-380-E: Certification of Health Care Provider for Family Member's Serious Health Condition for:

Patient Name: _____

Relationship to USA/MTA SLB Member: _____

University of Massachusetts Amherst

USA / MTA SLB

Application for Income Replacement
For Approved Leave for Caring for a Family Member with a Serious Health Condition

SECTION THREE: DEPARTMENTAL CONFIRMATION
(to be completed by applicant's departmental HR Representative)

I have approved _____ for up to _____ hours of
(employee name)

leave per week from _____ until _____ to
(date) **(date)**

provide care for a family member whom is suffering from a serious health condition.

If the leave request is part-time, the employee and I have agreed to the attached work schedule.

HR Coordinator Name: _____

Campus Address: _____

Campus Telephone Number: _____

Campus Email Address: _____

HR Coordinator Signature: _____ Date: _____

Please Note: When an employee will be out of work due to a medical issue, or when requesting parental leave, the employee and his/her supervisor must follow the University's Leave and Approval Process. Instructions are available on the Human Resources website. Please contact the Sick Leave Bank Administrator in the Division of Human Resources with questions or assistance.

Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act

U.S. Department of Labor
Wage and Hour Division

WAGE AND HOUR DIVISION

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR. RETURN TO THE PATIENT.

OMB Control Number: 1235-0003
Expires: 6/30/2026

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave to care for a family member with a serious health condition to submit a medical certification issued by the family member's health care provider. 29 U.S.C. §§ 2613, 2614(c)(3); 29 C.F.R. § 825.305. The employer must give the employee **at least 15 calendar days** to provide the certification. If the employee fails to provide complete and sufficient medical certification, his or her FMLA leave request may be denied. 29 C.F.R. § 825.313. Information about the FMLA may be found on the WHD website at www.dol.gov/agencies/whd/fmla.

SECTION I - EMPLOYER

Either the employee or the employer may complete Section I. While use of this form is optional, this form asks the health care provider for the information necessary for a complete and sufficient medical certification, which is set out at 29 C.F.R. § 825.306. **You may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308.** Additionally, you **may not** request a certification for FMLA leave to bond with a healthy newborn child or a child placed for adoption or foster care.

Employers must generally maintain records and documents relating to medical information, medical certifications, recertifications, or medical histories of employees or employees' family members created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

(1) Employee name: _____
First Middle Last

(2) Employer name: _____ Date: _____ (mm/dd/yyyy)
(List date certification requested)

(3) The medical certification must be returned by _____ (mm/dd/yyyy)
(Must allow at least 15 calendar days from the date requested, unless it is not feasible despite the employee's diligent, good faith efforts.)

SECTION II - EMPLOYEE

Please complete and sign Section II before providing this form to your family member or your family member's health care provider. The FMLA allows an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to the serious health condition of your family member. If requested by your employer, your response is required to obtain or retain the benefit of the FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). **You are responsible for making sure the medical certification is provided to your employer within the time frame requested, which must be at least 15 calendar days.** 29 C.F.R. §§ 825.305-825.306. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA leave request. 29 C.F.R. § 825.313.

(1) Name of the family member for whom you will provide care: _____

(2) Select the relationship of the family member to you. The family member is your:

☐ Spouse ☐ Parent ☐ Child, under age 18

☐ Child, age 18 or older and incapable of self-care because of a mental or physical disability

Spouse means a husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage or same-sex marriage. The terms "child" and "parent" include in loco parentis relationships in which a person assumes the obligations of a parent to a child. An employee may take FMLA leave to care for an individual who assumed the obligations of a parent to the employee when the employee was a child. An employee may also take FMLA leave to care for a child for whom the employee has assumed the obligations of a parent. No legal or biological relationship is necessary.

Employee Name: _____

(3) Briefly describe the care you will provide to your family member: (**Check all that apply**)

☐ Assistance with basic medical, hygienic, nutritional, or safety needs ☐ Transportation

☐ Physical Care ☐ Psychological Comfort ☐ Other: _____

(4) Give your **best estimate** of the amount of leave needed to provide the care described:

_____

(5) If a **reduced work schedule** is necessary to provide the care described, give your **best estimate** of the reduced schedule you are able to work. From _____ (mm/dd/yyyy) to _____ (mm/dd/yyyy), I am able to work _____ (hours per day) _____ (days per week)

Employee Signature _____ **Date** _____ (mm/dd/yyyy)

SECTION III - HEALTH CARE PROVIDER

Please provide your contact information, complete all relevant parts of this Section, and sign the form below. A family member of your patient has requested leave under the FMLA to care for your patient. The FMLA allows an employer to require that the employee submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a family member with a serious health condition. For FMLA purposes, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. For more information about the definitions of a serious health condition under the FMLA, see the chart at the end of the form.

You also may, but are **not required** to, provide other appropriate medical facts including symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment. Please note that some state or local laws may not allow disclosure of private medical information about the patient's serious health condition, such as providing the diagnosis and/or course of treatment.

Health Care Provider's name: (Print) _____

Health Care Provider's business address: _____

Type of practice / Medical specialty: _____

Telephone: _____ Fax: _____ E-mail: _____

PART A: Medical Information

Limit your response to the medical condition for which the employee is seeking FMLA leave. Your answers should be your **best estimate** based upon your medical knowledge, experience, and examination of the patient. **After completing Part A, complete Part B to provide information about the amount of leave needed.** Note: For FMLA purposes, "incapacity" means the inability to work, attend school, or perform regular daily activities due to the condition, treatment of the condition, or recovery from the condition. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b).

(1) Patient's Name: _____

(2) State the approximate date the condition started or will start: _____ (mm/dd/yyyy)

(3) Provide your **best estimate** of how long the condition lasted or will last: _____

(4) For FMLA to apply, care of the patient must be medically necessary. Briefly describe the type of care needed by the patient (e.g., assistance with basic medical, hygienic, nutritional, safety, transportation needs, physical care, or psychological comfort).

_____

Employee Name: _____

(5) Check the box(es) for the questions below, as applicable. For all box(es) checked, the amount of leave needed must be provided in Part B.

☐ **Inpatient Care**: The patient (☐ has been / ☐ is expected to be) admitted for an overnight stay in a hospital, hospice, or residential medical care facility on the following date(s): _____

☐ **Incapacity plus Treatment**: (e.g. outpatient surgery, strep throat)

Due to the condition, the patient (☐ has been / ☐ is expected to be) incapacitated for more than three consecutive, full calendar days from: _____ (mm/dd/yyyy) to _____ (mm/dd/yyyy).

The patient (☐ was / ☐ will be) seen on the following date(s): _____

_____

The condition (☐ has / ☐ has not) also resulted in a course of continuing treatment under the supervision of a health care provider (e.g. prescription medication (other than over-the-counter) or therapy requiring special equipment)

☐ **Pregnancy**: The condition is pregnancy. List the expected delivery date: _____ (mm/dd/yyyy).

☐ **Chronic Conditions**: (e.g. asthma, migraine headaches) Due to the condition, it is medically necessary for the patient to have treatment visits at least twice per year.

☐ **Permanent or Long Term Conditions**: (e.g. Alzheimer's, terminal stages of cancer) Due to the condition, incapacity is permanent or long term and requires the continuing supervision of a health care provider (even if active treatment is not being provided).

☐ **Conditions requiring Multiple Treatments**: (e.g. chemotherapy treatments, restorative surgery) Due to the condition, it is medically necessary for the patient to receive multiple treatments.

☐ **None of the above**: If none of the above condition(s) were checked, (i.e., inpatient care, pregnancy) no additional information is needed. Go to page 4 to sign and date the form.

(6) If needed, briefly describe other appropriate medical facts related to the condition(s) for which the employee seeks FMLA leave. (e.g., use of nebulizer, dialysis)

_____

PART B: Amount of Leave Needed

For the medical condition(s) checked in Part A, complete all that apply. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your **best estimate** based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine if the benefits and protections of the FMLA apply.

(7) Due to the condition, the patient (☐ had / ☐ will have) **planned medical treatment(s)** (scheduled medical visits) (e.g. psychotherapy, prenatal appointments) on the following date(s): _____

_____

(8) Due to the condition, the patient (☐ was / ☐ will be) **referred to other health care provider(s)** for evaluation or treatment(s).

State the nature of such treatments: (e.g. cardiologist, physical therapy) _____

Provide your **best estimate** of the beginning date _____ (mm/dd/yyyy) and end date _____ (mm/dd/yyyy). for the treatment(s).

Provide your **best estimate** of the duration of the treatment(s), including any period(s) of recovery (e.g. 3 days/week)

_____

Employee Name: _____

(9) Due to the condition, the patient (☐ was / ☐ will be) **incapacitated for a continuous period of time**, including any time for treatment(s) and/or recovery.

Provide your **best estimate** of the beginning date _____ (mm/dd/yyyy) and end date _____ (mm/dd/yyyy). for the period of incapacity.

(10) Due to the condition, it (☐ was / ☐ is / ☐ will be) medically necessary for the employee to be absent from work to provide care for the patient on an **intermittent basis** (periodically), including for any episodes of incapacity i.e., episodic flare-ups. Provide your **best estimate** of how often (frequency) and how long (duration) the episodes of incapacity will likely last.

Over the next 6 months, episodes of incapacity are estimated to occur _____ times per (☐ day ☐ week ☐ month) and are likely to last approximately _____ (☐ hours ☐ days) per episode.

Signature of Health Care Provider _____ Date: _____ (mm/dd/yyyy)

Definitions of a Serious Health Condition (See 29 C.F.R. §§ 825.113-.115)
Inpatient Care
• An overnight stay in a hospital, hospice, or residential medical care facility. • Inpatient care includes any period of incapacity or any subsequent treatment in connection with the overnight stay.
Continuing Treatment by a Health Care Provider (any one or more of the following)
Incapacity Plus Treatment: A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves either: o Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or, o At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health provider might prescribe a course of prescription medication or therapy requiring special equipment.
Pregnancy: Any period of incapacity due to pregnancy or for prenatal care.
Chronic Conditions: Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.
Permanent or Long-term Conditions: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.
Conditions Requiring Multiple Treatments: Restorative surgery after an accident or other injury; or, a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the patient did not receive the treatment.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 15 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR. RETURN TO THE PATIENT.