

MILFORD SCHOOL DISTRICT

Milford, Delaware 19963

POLICY

4332

**Federal Family and Medical Leave Policy**

An employee of the Milford School District may be eligible to take unpaid family and medical leave under the federal law, the Family and Medical Leave Act or certain leave under the National Defense Authorization Act, which amends FMLA (collectively, "FMLA").

The Milford School District's policy is to follow FMLA, its regulations and the Department of Labor's (DOL's) notices. If an employee has questions regarding FMLA, they should contact the Chief Financial Officer or the Finance and Benefits department.

Milford School District reserves all rights under FMLA and other leave laws, and counts available FMLA leave using the rolling calendar basis. This is measured backward from the date an employee uses any FMLA leave. Milford School District counts FMLA leave concurrently with paid leave, meaning that used FMLA leave, which is unpaid, will be paid to the extent there is available leave days, which will reduce the leave balance. It is the employee's responsibility to notify a supervisor or the Chief Financial Officer of absences that may be covered by FMLA.

The need to take non-emergency leave should generally be requested at least 30 days, or as soon as practical, in advance of the date the leave is expected to begin. In cases of emergency, notice should be given as soon as possible (or by a representative if the employee is incapacitated), and the application form should be completed as soon as practical.

Failure to provide adequate notice or documentation may result in a delay or denial of the leave. The employee must provide sufficient information regarding the reason for an absence for Milford School District to know that protection may exist under this policy. Failure to provide this information will result in delay or forfeiture of rights under this policy. This means the absence may then be counted against the employee's record for purposes of discipline for attendance or similar matters. All absence procedures must be followed unless otherwise preapproved.

This policy is separate from any policy or guidance related to the State of Delaware Paid Family Leave Act.

ADOPTED: 12/19/94

AMENDED: 8/25/03; 2/25/08; 4/27/09; 3/25/13; 2/19/19