

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 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 governing leaves of absence. In addition to the Family Medical Leave Act, 29 U.S.C. § 2601 et seq., its implementing regulations, 29 C.F.R. Part 825, 14 Del. Code §1333 and any applicable Collective Bargaining Agreement, the District shall comply with the regulations set forth by the Delaware Department of Labor, Division of Paid Leave, in 19 Del. Admin. Code §1401 et. seq. regarding paid leaves of absence. The District reserves the right to deny any leave of absence which is not otherwise protected by law.

The District elects to use the following definition of a 12-month period:

"A 'rolling' 12-month period measured backward" is 12-month period measured backward from the date an employee uses any family and medical leave. Under the "rolling" 12-month period, each time an employee takes family and medical leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12-months. The District shall uniformly apply this "rolling 12-month period measured backward" to all employees. Any change to the District's selected application year shall be made consistently with FMLA standards.

The District reserves all rights to revise or rescind this Section of the Policy if the Department of Labor, Division of Paid Leave, amends its regulations or if 19 Del. Admin Code §1401 et. Seq. is repealed. The Paid Leave Section of the Policy shall take effect on January 1, 2026.

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, to the extent permitted by law. It is the employee's responsibility to notify a supervisor or the Chief Operating 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. If an employee has questions regarding FMLA, they should contact the Chief Operating Officer or the Finance and Benefits department.

ADOPTED: 12/19/94

AMENDED: 8/25/03; 2/25/08; 4/27/09; 3/25/13; 2/19/19; 1/21/25