

October 4, 2021

The regular meeting of the Marcus Hook Borough Council was held on Monday evening October 4, 2021, 7:00 PM, in Council Chambers.

CALL TO ORDER

William Cox, Council Vice-President, called the meeting to order.

ROLL CALL

Present were Councilors William Cox, Cheryl Everngham, Paula Ewing, Joseph Flynn, Michael Manerchia, and Brian Mercadante. Also present were Mayor Gene Taylor and Borough Manager Andrew Weldon.

APPROVAL OF MINUTES

Motion by M. Manerchia second by C. Everngham to dispense with the reading of the minutes of the last meeting and that they stand as written. All in favor.

APPROVAL OF RECEIPT VOUCHER

Manager advised that the receipt voucher for the month of September totaled \$170,498.48. Motion by C. Everngham second by M. Manerchia to receive and deposit. All in favor.

GENERAL GOVERNMENT

Borough Council was advised prior to the last business day of September the expected municipal financial obligation for the uniformed and non-uniformed pension plans in 2022, as required by Act 205 of 1984. The Minimum Municipal Obligation (MMO) for the uniformed pension plan is \$327,196 (\$348,930 for 2021) and for the non-uniformed plan the figure is \$32,845 (\$27,869 for 2021). Motion by B. Mercadante second by P. Ewing to receive and file. All in favor.

Manager presented for the second reading and adoption Borough Ordinance O-21-5, amending the Code of the Borough of Marcus Hook, Chapter 142, thereof entitled Numbering Systems: Property and Premises, Subsection 5, Numbering Specifications, adding an article relating to numbering the rear of buildings in the Borough which abut to an alley, street, or road. Motion by J. Flynn second by P. Ewing to adopt Borough Ordinance O-21-5. All in favor.

October is National Breast Cancer Awareness Month and October 22nd is National Mammography Day. Breast Cancer is the most common cancer among women except for non-melanoma skin cancers; it's also the second leading cause of cancer death in women, exceeded only by lung cancer. According to the CDC, approximately 250,000 new cases of female invasive Breast Cancer and 2,300 cases of male invasive Breast Cancer are diagnosed each year. Death rates from Breast Cancer have been declining, and this change is believed to be the result of treatment advances, earlier detection, and increased awareness. A Mammography, or an "x-ray of the breast", is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt. The Borough will hold a drive where we will be selling breast cancer awareness wristbands and pins for \$5 and Councilor J. Flynn donated pink and white, hand-crafted stuffed bears, we will be selling for \$10 a piece at the Municipal Building, Marcus Hook Police Station, and Mary M. Campbell Library during the month of October, with all proceeds received to be donated to the Breast Cancer Research Foundation. Motion by J. Flynn second by M. Manerchia to adopt Borough Resolution No. R-21-14, proclaiming October, 2021 as Breast Cancer Awareness Month and October 22, 2021 as Mammography Day in the Borough of Marcus Hook, as well as resolving to donate all proceeds from our breast cancer awareness drive to the Breast Cancer Research Foundation. All in favor.

Manager presented the Monthly Code Enforcement Report for the month of September, 2021. Motion by C. Evernham second by M. Manerchia to receive and file the Monthly Code Enforcement Report. All in favor.

Manager presented a Host Community Agreement between the Borough of Marcus Hook and Duke Realty Limited Partnership, LP, providing for the Borough to serve as the Host Community for Duke Realty's proposed last-mile, commercial warehouse at the East 10th Street Site. Motion by P. Ewing second by M. Manerchia to approve the Host Community Agreement with Duke Realty Limited Partnership, LP. All in favor.

Presented was a proposed amendment to the Marcus Hook Personnel Policy, Policy 900, Leaves and Holidays, adding section 12 to incorporate the Family and Medical Leave Act into the Personnel Policy. Motion by P. Ewing second by C. Evernham to amend the Marcus Hook Personnel Policy by adding Section 12 entitled "Family and Medical Leave Act" as Attachment A to the meeting minutes. All in favor.

Manager requested Council's authorization for Catania Engineering to prepare bid specifications and advertisement for bids for the renovation of 1015 Green Street, First Floor and Second Floor. Motion by M. Manerchia second by B. Mercadante to authorize Catania Engineering to prepare bid specifications and advertisement for bids for the renovation of 1015 Green Street, First Floor and Second Floor. All in favor.

Manager requested authorization to advertise for the position of Municipal Clerk. Motion by C. Evernham second by P. Ewing to authorize the advertisement for the position of Municipal Clerk. All in favor.

PUBLIC SAFETY

Mayor Taylor presented the Police Report and related statistics for the month of September, 2021. Motion by M. Manerchia second by C. Evernham to receive and file the Mayor's Public Safety Report. All in favor.

Mayor Taylor read a letter received by the Borough of Marcus Hook from Annie Kersey, 303 Market Street, praising Officer Steve Jackson and mentioning two separate incidents where he demonstrated professionalism in the line of duty.

Manager noted a letter of resignation was received from crossing guard, Judith Campbell, effective September 14, 2021. Motion by B. Mercadante second by J. Flynn to receive and file. All in favor.

Mayor Taylor recommended the appointment of Chad Grzesnikowski as a part-time police officer. Motion by J. Flynn second by M. Manerchia to appoint Chad Grzesnikowski as a part-time police officer. All in favor.

Chad Grzesnikowski was sworn-in as a part-time police officer. Motion by C. Evernham second by P. Ewing to record and file. All in favor.

Manager presented for approval a contract with Brandywine Valley SPCA. The Borough has been pleased with the animal control services provided by Brandywine Valley SPCA throughout the duration of the initial contract which was from November 1, 2018 – October 31, 2021. The Borough seeks to extend this contract for an additional three (3) years for the period November 1, 2021 – October 31, 2024. The fees associated with this contract are as follows: Annual APS Fee - \$1,250.50, Animal Acquisition Fee - \$265.23 for each dog, and \$159.14 for each cat, Activity Fee - \$53.00, Emergency Fee - \$159.14, and Monthly APS Fee - \$273.19, all of the foregoing fees are subject to an annual 3% increase on January 1st. Motion by B. Mercadante second by J. Flynn to approve a Contract for the period November 1, 2021 through October 31, 2024 with Brandywine Valley SPCA and appoint Brandywine Valley SPCA the Animal Control Officer for the Borough of Marcus Hook. All in favor.

Presented was a proposed amendment to the Marcus Hook Police Department Policies and Procedures Manual, the "Use of Force" report's title will be changed to "Response to Resistance" report, and the following Policies are affected: 1.3.1 Use of Force, 1.3.1 Use of Force - Appendage 2, 1.3.6 Reporting Use of Force, and 2.4.0 Traffic & Mobile Video Recording. Motion by J. Flynn second by C. Evernham to update the Marcus Hook Police Department Policies and Procedures Manual, Policies 1.3.1 Use of Force, 1.3.1 Use of Force – Appendage 2, 1.3.6 Reporting Use of Force, and 2.4.0 Traffic & Mobile Video Recording to reflect the change from "Use of Force" report to "Response to Resistance" report. All in favor.

The Marcus Hook Trainer Fire Department was positively recognized for their 1st place award in the "Most Functional & Appearing Engine 2010-2014" and their 3rd place award in the "Most Functional & Appearing Chief's Vehicle or Command Unit" at the 142nd State of Pennsylvania Firefighters' Association Convention of 2021. Motion by B. Mercadante second by P. Ewing to record and file. All in favor.

PUBLIC WORKS AND HIGHWAYS

The Borough of Marcus Hook hosted a bulk trash/e-waste/shredding event at the Marcus Hook Highway Garage on Saturday, October 2, 2021 from 10:00 AM – 12:00 PM. Residents were entitled to one free bulk trash item, free television disposals, and free shredding. The Borough collected 20 televisions which will be turned over to ECOvanta for recycling, at no cost to the Borough of Marcus Hook. Motion by C. Evernham second by M. Manerchia to record and file. All in favor.

PARKS, RECREATION and SHADE TREES

The Marcus Hook Recreation and Park Board were positively acknowledged for their efforts in coordinating and hosting a Family Fun Day in the Borough of Marcus Hook on Saturday, September 25, 2021. Motion by J. Flynn second by C. Evernham to record and file. All in favor.

The Marcus Hook Recreation and Park Board will be hosting a Halloween Painting Event at the Marcus Hook Community Center on Sunday, October 10th from 12:00 PM – 2:00 PM. Additionally, they will be hosting a Table or Treat at Market Square Memorial Park on Sunday, October 24th starting at 12:00 PM. Motion by C. Evernham second by P. Ewing to record and file. All in favor.

PLANNING AND ZONING

The Marcus Hook Planning Commission met on September 21, 2021 to review and provide comment on DELCORA's Act 537 Plan Update as well as to continue discussion of the Application and Plan for Preliminary/Final Land Development and Lot consolidation submitted from Duke Realty Limited Partnership for the property located on the southwest corner of 10th Street and Penn Avenue. The DELCORA Act 537 Plan Update evaluates options for the redirection of wastewater flows from the Eastern Service Area which currently discharges to Philadelphia's Southwest Water Pollution Control Center to DELCORA's Western Regional Treatment Plant in Chester, PA. The Plan evaluates four (4) options for the future conveyance, storage and treatment of flows. The Planning Commission recommended DELCORA proceed with Alternative 3 – Construction of a new WWTP and the associated Conveyance Facilities – Cost approx. \$613,850,000. The Planning Commission approved and supported the land development/lot consolidation plan as presented by Duke Realty, requesting the submission of revised plans reflecting changes in the project design details and incorporating the comments and recommendations brought forward by the Planning Commission, Borough staff, and the Borough's engineering and planning consultants. Motion by M. Manerchia second by P. Ewing to receive and file the minutes from the September 21, 2021 Planning Commission meeting. All in favor.

Zoning application received from P.J.G. Property Maintenance, Inc. for property located at 418 Market Street (Tax Folios 24-00-00213-00 and 24-00-00395-00). The applicant has in hand an agreement to purchase the property from DGC Development Group to

locate their snow removal company to this location. The change of use application was presented to Council at a hearing on September 23, 2021. Motion by J. Flynn second by M. Manerchia to approve the proposed use presented and described by P.J.G. Property Maintenance as being no less restrictive than the previous use with the following conditions to insure no expansion of the previous nonconforming use status: 1) no parking of inoperable, unlicensed or unregistered vehicles indoors or outdoors, 2) no outdoor storage of equipment and supplies, 3) no storage or parking of trailers, boats, trucks or cars that are not incidental to the tenants business operation, 4) all vehicle and equipment repair and maintenance work to be conducted indoors, 5) salt storage to be contained indoors, 6) the existing nonconforming use of the property and structure may only be extended, enlarged, or altered when so authorized as a conditional use by Borough Council pursuant to Section 196-147 of the Marcus Hook Zoning Ordinance, and 7) ensure the work area and premises is maintained in a clean, safe, secure and sanitary condition. All in favor.

HISTORY

The Marcus Hook Preservation Society was positively acknowledged for coordinating the Pirate Festival held on September 18th, 2021 at Market Square Memorial Park. The event was well attended and was a success. Motion by P. Ewing second by C. Evernham to record and file. All in favor.

COUNCIL REPORTS

Councilor P. Ewing reported that the MHTFD in August responded to 54 and September responded to 35 fire alarms.

Mayor G. Taylor commended Officer Steve Jackson for a good job, as well as offering commendation to the Marcus Hook Trainer Fire Department for their awards at the Fire Convention, as well as Councilor J. Flynn for donating stuffed bears for the breast cancer awareness drive.

PUBLIC COMMENTS

Lorraine Daliessio, 1050 Yates Avenue, mentioned that she sent an email out to the Environmental Advisory Council members, and she also physically provided copies of the email to Mayor and Council during the Council Meeting. Lorraine mentioned that she would like to have a teleconference meeting instead of just cancelling the meeting. Lorraine mentioned that we are one of the only EAC's that has local industry participating in the meetings. Lorraine also mentioned that she has smelled a diesel fuel smell during the early morning hours when the trains are moving around inside of the facilities. Lorraine talked to Monroe Energy about the smell who noted they were unaware of anything that would cause that smell. Lorraine finally mentioned that she reported it to DEP who said they were aware of similar reports on the same topic.

Manager A. Weldon noted that Halloween is at the end of the month so please ensure if you're driving around the Borough on Halloween to be careful of the children.

APPROVAL OF PAYMENT OF BOROUGH BILLS

Manager advised that the payment voucher for the time period from September 8, 2021 through October 4, 2021 totaled \$161,538.21. Motion by M. Manerchia second by C. Evernham to approve payment of Borough bills. All in favor.

ADJOURNMENT

Motion by C. Evernham second by P. Ewing to adjourn. All in favor. Meeting was adjourned at 7:37 PM.

Andrew Weldon
Borough Secretary

Attachment A

12. *Family and Medical Leave Act A. Purpose - The purpose of this Family and Medical Leave Act (FMLA) policy is to establish policies and guidelines for the use of FMLA leave for Borough of Marcus Hook employees. B. Applicability – This section applies to all FMLA eligible employees of the Borough of Marcus Hook, including those employees covered by collective bargaining agreements. This policy is not meant to conflict with the terms or conditions of any collective bargaining agreement and if such conflict occurs, the terms of the collective bargaining agreement shall prevail. C. Eligibility – In order to be eligible for FMLA leave, an employee must meet the following threshold criteria: 1. The employee has worked for at least 12 months for the Borough; and, 2. The employee has to have worked for the Borough for at least 1,250 hours over the 12 month period before the leave is to begin. Note: For purposes of subsection 1, if an employee was on the payroll for part of a week, the Borough shall count the entire week. Furthermore, the 12 months need not be consecutive. If an employee has been previously employed by the Borough, but has had a break in service of seven (7) years or more, that employee's past service with the Borough is not counted for FMLA eligibility purposes, except: (a) where the break in service was due to a fulfillment of the employee's military obligation in either the National Guard or the Reserves; or, (b) where leave of more than seven (7) years is approved in a collective bargaining agreement or other written document that concerns the Borough's intent to rehire the employee. D. Calculation of Leave – Eligible employees are able to take up to 12 weeks of unpaid FMLA leave within a 12 month period. The Borough uses a rolling 12 week period measured backward from the date an employee uses FMLA leave. Under the "rolling" 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months. However, for care of a covered service member under paragraph (F), the Borough will always calculate the "single 12-month period" for the care of the covered service member beginning on the first day of leave and ending twelve (12) months thereafter. E. Reasons for Leave – An eligible employee shall be entitled for leave for one or more of the following reasons: 1. The birth of a son or daughter and in order to care for such son or daughter (leave must be taken and completed within twelve (12) months after birth); 2. The placement of a son or daughter with the employee, either through adoption or foster care, and in order to care for the newly placed son or daughter (leave must be taken and completed within twelve (12) months after placement); 3. To care for the spouse, son or daughter, or parent with a serious health condition; 4. An employee's serious health condition that makes the employee unable to perform the functions of his/her job; 5. A "qualifying exigency" arising out of the fact that the employee's spouse, son/daughter, or parent (but not in-law) is on covered active duty (or has been notified of an impending call or order to active duty) in the Armed Forces. The term "covered active duty" means: (i) in the case of a member of a regular component of the Armed Forces, during the deployment of the member with the Armed Forces to a foreign country; and (ii) in the case of a member of a reserve component of the Armed Forces, during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code. Employees with questions about whether specific illnesses are covered under this policy are encouraged to meet with the Borough Manager. F. Service Member Family Leave – Any Borough employee with at least twelve (12) months of service and who has worked at least 1,250 hours in the preceding twelve (12) months and who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of twenty-six (26) weeks of unpaid leave during a 12-month period to care for the service member who is: 1. A member of the Armed Forces, including the National Guard and Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. For purposes of service member family leave, "serious injury or illness" means an injury or illness incurred by the member in the line of duty on active duty within the meaning of 10 U.S.C 101 (a)(13)(B) in the Armed Forces, National Guard or Reserves that may render the member*

medically unfit to perform the duties of the member's office, grade, rank, or rating. 2. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. G. During the single 12-month period described in Paragraph (F), an eligible employee shall be entitled to a combined total of 26 weeks of leave under paragraphs (E) and (F). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (E) during any other twelve (12) month period. H. FMLA leave for birth or placement under paragraph (E)(1) and (E)(2) must be taken at one time in consecutive days or weeks. Leaves of absence due to serious health conditions under paragraph (E)(3) and (E)(4), or a serious injury or illness of a covered service member under paragraph (F), may be taken intermittently or on a reduced schedule, when medically necessary. I. If both spouses are employed by the Borough and are otherwise eligible for FMLA leave, they are permitted to take only a combined total of twelve (12) workweeks of leave during any twelve (12) month period for: (a) the birth of a son or daughter and to care for the newborn child; (b) for placement of a child with the employee for adoption or foster care; and (c) to care for the employee's parent (not parent-in-law) who has a serious health condition. If leave is taken for other reasons, such as the employee's own serious health condition or to care for a child with a serious condition, the husband and wife can each use up to twelve (12) weeks of leave individually. Where covered service member leave is involved, the husband and wife who are eligible for FMLA leave are limited to a combined total of twenty-six (26) workweeks of leave during the single 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered service member with a serious injury or illness. J. Procedure for Requesting Leave 1. Notice – All employees requesting FMLA leave should complete the FMLA request form (Attachment A) available from the Borough Manager. Notice shall include a sufficient explanation of the reason for the leave, the date on which the leave is anticipated to begin and the anticipated duration of the leave. When leave is foreseeable, notice must be given to the Borough at least 30 days prior to the start of leave. Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, employees are required to notify the Borough as soon as practical (within one or two days of learning of the need for leave). Failure to provide such notice may result in the employee's leave being delayed. Within five (5) business days of an employee's request for FMLA leave, the Borough must provide the employee with an eligibility notice explaining whether the employee is eligible for FMLA leave, and if not, why leave is not available. The Borough shall designate any leave as FMLA leave in writing upon receiving sufficient information to determine that the leave qualifies, shall notify the employee of the amount of leave counted against the employee's FMLA entitlement and shall also inform the employee of this fact and of any paid vacation, personal or sick time that must be used as part of the twelve (12) week FMLA leave, or twenty-six (26) week covered service member leave. 2. Medical Certification – Employees requesting leave due to a serious health condition under paragraph (E)(3) or (E)(4), or a serious injury or illness of a covered service member under paragraph (F), must submit a medical certification of the need for leave prior to the start of the leave. (Attachment B1 or B2 as applicable). Failure of the employee to provide the completed forms to the Borough within fifteen (15) days of the Borough's request for such forms may result in denial of leave until certification is provided or revoking an employee's entitlement to continued leave. An employee shall have seven (7) days to correct an incomplete or insufficient medical certification from the date the employee is notified of such a deficiency by the employer. Employees will be required to provide recertification for the serious health condition consistent with the Act. The Borough may request additional certification set forth in the FMLA regulations from an employee requesting leave to care for a covered service member or an employee requesting leave for a qualifying exigency. If the Borough has reason to doubt the validity of any medical certification provided, the Borough may request a second

opinion by a health care provider of the Borough's choosing, so long as the provider is not employed on a regular basis by the Borough. The costs of the second opinion shall be borne by the Borough. If there are conflicting medical opinions, a third opinion, which will be final and binding on both the Borough and the employee, may be required by the Borough, at its own cost, from a health care provider approved jointly by the Borough and the employee. In addition, the Borough may seek clarification or authentication of a medical certification or recertification from the health care provider.

K. Reporting While on Leave – If leave is taken because of an employee's own serious health condition or to care for an eligible family member, the employee must contact the Borough Manager on the second and fourth Monday of each month regarding the status of the condition and employee's intention to return to work.

L. Use of Paid & Unpaid Leave – FMLA leave is unpaid. However, the Borough requires that leave requested under the FMLA run concurrently with accrued paid vacation, personal and sick leave; that is employees are required to utilize any accrued vacation, personal and sick days as part of their 12 week FMLA leave. This concurrent time does not extend the 12 week leave period. FMLA leave also runs concurrently with short term disability and workers' compensation, provided the reason for the absence is due to a qualifying serious health condition. If an employee is requesting FMLA leave along with Workers' Compensation or Short Term Disability benefits, then accrued vacation, personal and sick leave will not run concurrently. In no case, can the substitution of paid leave time, for unpaid leave time result in the employee receiving more than 100% of their salary. An employee using unpaid FMLA leave shall not be entitled to holiday, bereavement or jury duty pay while on such leave, unless otherwise required by law.

M. Intermittent Leave & Reduced Schedule Leave – Leaves for serious health conditions may be taken intermittently or on a reduced leave schedule when medically necessary. Any hours of leave taken under this section shall be subtracted from the total amount of leave remaining available to such employee. The minimum amount of time that can be taken per day under this policy is in 2 hour consecutive blocks. Employees requesting intermittent leave or leave on a reduced schedule due to a serious health condition under paragraph (E)(3) or (E)(4), or a serious injury or illness of a covered service member under paragraph (F), must first make reasonable efforts to schedule any treatment so as to not unduly disrupt the operations of the Borough (if such need is not reasonably foreseeable) and provide as part of the medical certification from the health care provider a statement as to why such leave is medically necessary.

N. Medical & Other Benefits – During any period of approved FMLA leave, the Borough shall continue to make premium payments to maintain the employee's health care coverage under the same terms and conditions as in existence on the date leave begins, or as changed during the period when the employee is on leave. However, this does not eliminate the requirement of employee contributions for those employees who normally have a contribution payment toward their insurance coverage. Provisions for employee contributions will be made at the time of the leave request. The Borough shall deduct the employee's contribution toward the health plan premium as a regular payroll deduction. If FMLA leave extends beyond paid leave and the employee is thus required to take FMLA leave unpaid, then the employee must pay the Borough the employee's contribution toward the health plan premium. Health care coverage shall cease if the contribution payment is more than 30 days late. In that case, coverage will be restored upon return to work. The Borough will be entitled to recoup the costs of providing health care coverage for an employee during the leave period if the employee fails to return to work at the conclusion of his/her FMLA period. This obligation does not apply in a situation where the FMLA leave was for the employee's own serious health condition.

O. Restoration of Employment – Employees returning from an FMLA leave are generally entitled to be restored to their previous position or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. An employee will not be reinstated if he/she otherwise would not have been employed at the time reinstatement is requested. The Borough is not obligated to reinstate any employee whose job position is eliminated while on leave. Employees designated by the Borough as "Key" employees may be denied restoration if necessary to avoid substantial grievous economic injury to the Borough's operations, in accordance with the express provisions of the FMLA. These key employees are among the ten

percent most highly compensated salaried employees and will be notified of their status as key employees at the time they make their leave request. If it is anticipated that it may be necessary to deny restoration to a key employee, the Borough will notify the employee and offer him/her an opportunity to return to work. If that employee elects not to return to work, the Borough will nevertheless reconsider at the end of the leave whether or not it will be possible to reinstate that employee without suffering substantial grievous economic injury. P. Outside Work Prohibited – The performance of another job while on leave shall lead to disciplinary action, up to and including termination. Q. Return to Work – If leave is taken pursuant to the employee's own serious health condition, the Borough requires that the employee provide a certification from a health care provider that the employee is fit to resume work. Employees who fail to provide a note from a licensed health care professional clearing them to return to work, will not be permitted to resume work until it is provided. R. Medical Records – The Borough will be responsible for keeping records required under the FMLA and for ensuring that all medical information is kept in a separate file which will be kept confidential except as required to coordinate the employee's leave. S. Notification of Rights – The Borough shall not interfere with, restrain or deny the exercise of any right provided under the FMLA. The Borough shall not discharge or discriminate against any person for opposing any practice made unlawful by the FMLA nor will it discriminate against or discharge any person because of involvement in any proceeding under or related to the FMLA. No rights provided for under the FMLA may be diminished or waived by these policies. Copies of your rights under the FMLA are posted within the Borough offices.