



Mineral



Question of the Week

August 2, 2023

Question

What is intermittent leave under the FMLA, and when can employees use it?

ANSWER

Under the Family and Medical Leave Act (FMLA), **intermittent leave** is leave taken in multiple blocks of time, each less than the employee's full FMLA entitlement, for the same ongoing reason. Examples of intermittent leave include an employee taking a day each week for ongoing cancer treatments or a pregnant employee taking leave as needed for severe morning sickness.

Intermittent leave can be taken whenever it's medically necessary. It can also be taken in certain instances related to covered service members and for baby bonding, though intermittent bonding leave requires employer approval.

Employees should be allowed to take intermittent leave in the smallest blocks of time you use to track any other form of leave, but you can't require them to take leave in increments greater than an hour. For instance, if you track paid time off (PTO) in 15-minute increments, you need to allow 15-minute increments for FMLA, but if you only allow PTO to be taken in four-hour increments, you'll still need to allow FMLA to be taken in increments as small as one hour.

You can find more information on intermittent FMLA leave on the [platform](#).

This Q&A does not constitute legal advice and does not address state or local law.