



Mineral



Question of the Week

January 28, 2026

Question

Can we deduct from an exempt employee's salary when they're on intermittent FMLA leave?

ANSWER

Yes. If no paid leave laws apply and you don't offer any paid time off, you can deduct from an exempt employee's salary for leave designated as Family and Medical Leave Act (FMLA), even if that leave is taken intermittently. FMLA leave is one of the instances in which you're not required to pay an exempt employee's full salary for the week even if some work was done.

However, if an employee has paid time off available, they can choose to use that to cover some or all of their FMLA leave. You can also *require* the employee to use available paid time off for their absence as long as they're not also receiving a wage replacement benefit, like disability insurance.

You can learn more about exempt employee pay on the [platform](#).

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