

Appendix C: Intermittent leave under the FMLA

The FMLA permits three different ways of taking unpaid leave to address qualifying medical conditions:

- Continuous: The employee is absent for more than three consecutive working days.
- Reduced schedule: The employee reduces his or her regular working hours.
- Intermittent: The employee takes time off in multiple, separate blocks.

Workers may take intermittent or reduced schedule leave to receive or provide care when they or their immediate family members are ill, but not for the birth or adoption of a child (unless approved by the employer).¹ Intermittent and reduced schedule leave is often used when an employee needs to receive regular, ongoing treatment for a medical condition.

Employees taking intermittent/reduced schedule leave for planned medical treatment must “make a reasonable effort to schedule treatment so as not to unduly disrupt the employer’s operations.”¹ Despite this precaution, employers report that intermittent leave is the most difficult to manage.²

In the case of intermittent leave, workers may take time off in the smallest increment of time allowed by the employer for other types of leave, such as sick leave, as long as this minimum increment is no more than one hour (i.e., workers have to be able to take a minimum of one hour of intermittent leave). When a worker takes FMLA leave for less than a full workweek, as is the case with intermittent and reduced schedule leave, the amount of leave used is calculated as a share of the employee’s actual workweek. For example, if an employee normally works 40 hours a week, but took leave for 10 hours, then they used one fourth of a week of leave.^{3; 4}

The provision of reduced schedule/intermittent leave allows workers to take shorter periods of time off for personal medical treatments such as chemotherapy that are associated with serious medical conditions, or for children’s medical visits to address chronic conditions, without having to sacrifice an entire day or week of pay. These types of leave provide lower-wage workers with some job flexibility that is most typical among white-collar employees. Therefore, this provision of the FMLA may improve equity in job flexibility between more and less vulnerable workers. However, workers must forego wages to take this time off, and even a small drop in wages from one week to the next can have a large impact on low-income families.⁵

Endnotes and citations

1. U.S. Department of Labor Wage and Hour Division. (2012). *Fact Sheet #28: The Family and Medical Leave Act*. Retrieved from U.S. Department of Labor Wage and Hour Division website: <https://www.dol.gov/whd/regs/compliance/whdfs28.pdf>.
2. Klerman, J. A., Daley, K., & Pozniak, A. (2012). *Family and medical leave in 2012: Technical report*. Retrieved from website: <https://www.dol.gov/asp/evaluation/fmla/fmla2012.htm>.
3. U.S. Department of Labor Wage and Hour Division. (2013). *Fact Sheet #28I: Calculation of leave under the Family and Medical Leave Act*. Retrieved from website: <https://www.dol.gov/whd/regs/compliance/whdfs28i.pdf>.
4. Increments of FMLA leave for intermittent or reduced schedule leave, 825.205 C.F.R. § 29 (2012).
5. Dodson, L., Albelda, R., Coronado, D. S., & Mtshali, M. (2012). How youth are put at risk by parents' low-wage jobs. *Center for Social Policy Publications*, 68, 1-22.