

# How Does FMLA Intermittent Leave Work?

As businesses across the globe continue to struggle with the COVID-19 pandemic, employers are left wondering: how does FMLA intermittent leave work, and how can we ensure compliance with applicable regulations? These are tough questions for many employers, but with the help of a trusted compliance partner like BASIC, they don't have to be.

## So, how does FMLA intermittent leave work?

When Congress enacted the Family and Medical Leave Act of 1993 (FMLA), the law was intended to provide eligible employees working for covered employers with up to 12 weeks of job-protected leave for serious health events, the birth of their children, caring for immediate family members with serious health conditions, and more. However, the FMLA also outlines the option for eligible employees to take their FMLA leave intermittently and in smaller increments than the full amount of available leave when medically necessary. For example, an employee may need to take a half day off work if a chronic health condition flares up and prevents them from carrying out essential work duties. Intermittent leave can also be taken in increments smaller than half days, such as needing to leave work for two hours to take a chronically ill child to a doctor's appointment. This type of intermittent leave is provided by the FMLA but is the most difficult aspect of the law for employers to manage.

Employers have an enormous responsibility to identify and track FMLA leave among its employees, even if the employee doesn't know their leave qualifies as FMLA protected. This is especially tough when FMLA leave is unplanned and taken at unpredictable intervals. Regardless, employers need sophisticated processes and trained managers to fulfill their FMLA responsibilities.

While intermittent FMLA absences can be disruptive to business operations, it's important to make every effort to ensure compliance on both your end and the employee's to avoid common FMLA mistakes. Insufficient communication is a huge contributor to noncompliance on the employer side. Employers have a responsibility to give clear explanations of FMLA leave duration available and to issue notice once the leave has been exhausted and the employee is out of time. Clear communication of rights and responsibilities helps protect companies from violations. Employers also need to recognize when an event qualifies for FMLA protected leave. Misclassifications can result in costly legal verdicts and settlements. Finally, employers are not allowed to penalize an employee in any way for taking covered FMLA leave. FMLA retaliation lawsuits can end up costing employers hundreds of thousands of dollars. [Click here for more details on the most common FMLA employer mistakes.](#)



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