U.S. Department of Labor
Wage and Hour Division
Washington, D.C. 20210

FMLA2026-2

January 5, 2026

Dear **Name*:**

Employees may use leave under the Family and Medical Leave Act (FMLA or Act) for work time spent in medical appointments either related to their serious medical conditions or those of a qualifying family member. You requested an opinion from the Wage and Hour Division (WHD) regarding whether FMLA leave may be used for time spent traveling to or from such medical appointments. Additionally, you inquired if FMLA leave may be applied to travel time to or from such an appointment where an employee provided the employer with medical certification from a health care provider that confirms the employee's need for the appointment but does not address travel to or from the appointment.

For the reasons set forth below, an employee may use FMLA-protected leave that counts against his or her FMLA entitlement to travel to or from a medical appointment for a serious health condition. Additionally, a health care provider need not provide an estimate of an employee's travel time to or from an appointment for the medical certification to be complete and sufficient under the Act.

BACKGROUND

You indicate that you have eligible employees who take planned intermittent or reduced-schedule FMLA leave to attend medical appointments related to their own serious health condition or the serious health condition of a qualifying family member. The employees attend medical appointments at various locations, including those that are "some distance" from their homes or workplaces. You provide an example of an employee who requested intermittent leave to attend medical appointments for a serious health condition and presented a medical certification in which the physician certifies that the appointments will occur once per month for 45 minutes. In addition, although this employee indicated that he or she needs one hour to travel to or from the doctor's office, the medical certification does not address this travel time.

GENERAL LEGAL PRINCIPLES

A. General Leave Requirements

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons while continuing group health insurance coverage under the same terms and conditions as if the employee had not taken leave. *See* 29 U.S.C. §§ 2612–2614. Eligible employees may generally take up to 12 "workweeks of leave" in a 12-month period (leave year) for qualifying reasons. 29 U.S.C. § 2612(a)(1); *see also id*. § 2612(a)(3) (entitlement to a total of 26 workweeks of leave during a single 12-month period to care for a servicemember).

Specifically, the Act entitles eligible employees to use leave "because of a serious health condition that makes the employee unable to perform the functions of the position of such employee."

29 U.S.C. § 2612(a)(1) (D). A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. *See* 29 U.S.C. § 2611(11); 29 C.F.R. § 825.113. "An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment." 29 C.F.R. § 825.123(a).

The FMLA also entitles eligible employees to leave "in order to care for" certain family members if the family member has a serious health condition, or is a covered servicemember with a serious injury or illness. 29 U.S.C. § 2612(a)(1)(C), (a)(3). Care for a family member "encompasses both physical and psychological care." 29 C.F.R. § 825.124(a). This includes "situations where, for example, *because of* a serious health condition, the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety, or is unable to transport himself or herself to the doctor." *Id.* (emphasis added).

Employees may use leave for their own or a family member's serious health condition or serious injury or illness, intermittently or on a reduced-leave schedule when "medically necessary." 29 U.S.C. § 2612(b)(1). Intermittent leave means leave taken in separate periods of time due to a single condition, illness, or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. *See* 29 C.F.R. § 825.102. Examples of intermittent leave would include leave taken on an occasional basis for hour-long medical appointments or leave taken several days at a time spread over a period of six months, such as for chemotherapy. *Id.*

B. Medical Certification and Planned Medical Treatment

A covered employer may require that an employee submit a medical certification to support the employee's need for FMLA leave due to the employee's or the employee's family member's serious health condition. *See* 29 U.S.C. § 2613(a); 29 C.F.R. § 825.305(a). The certification allows the employer to obtain information related to the FMLA leave request, including likely periods of absences, and verify that an employee or the employee's family member has a serious health condition. *See* 29 U.S.C. § 2613(a); 29 C.F.R. § 825.306. The statute provides that a "sufficient certification" must include such information as "the date on which the serious health condition commenced," "the probable duration of the condition," and "the appropriate medical facts within the knowledge of the health care provider regarding the condition." 29 U.S.C. § 2613(b); *see also* 29 C.F.R. § 825.306 (content of medical certification).[1]

For planned medical treatment, an employee must consult with the employer and try to schedule the treatment at a time that minimizes disruptions; with scheduling "subject to the approval of the health care provider . . ." 29 U.S.C. § 2612(e)(2); 29 C.F.R. § 825.302(e), (f). Employees are also required to provide the employer with "not less than 30 days' notice" when they know about the

[1] A sufficient certification for military caregiver leave may require different medical facts, such as for a covered veteran whether the injury or illness "incurred or aggravated when the covered veteran was a member of the Armed Forces . . . " 29 C.F.R. § 825.310(b)(4)(ii)(A).

need for the leave in advance, and otherwise as soon as it is possible and practical to do so. *See id.* § 2612(e)(2); § 825.302(a), (e), (f).

The statute prohibits employers from interfering with, restraining, or denying an employee from exercising these and other rights protected by the Act, or an employee's attempt to exercise such rights. *See* 29 U.S.C. § 2615(a)(1). Interfering with an employee's exercise of rights includes, for example, refusing to authorize FMLA leave or discouraging an employee from using such leave. *See* 29 C.F.R. § 825.220(b).

OPINION

As set forth above, the FMLA entitles an eligible employee to take a total of 12 workweeks of leave during any 12-month period for a variety of reasons, including the employee's "serious health condition" as well as to care for a qualifying family member with a serious health condition. *See generally* 29 U.S.C. § 2612(a)(1)(C)–(D). The Act defines a "serious health condition" to include not only the immediate limitations and effects of such a condition, but also "inpatient care" and "continuing treatment" of the condition by a health care provider. *Id.* § 2611(11). In defining "serious health condition" to incorporate immediate medical treatment of, as well as ongoing care for, said condition, the statute makes clear that FMLA leave is appropriately used for time spent in medical appointments to diagnose, monitor, address, or treat an employee's serious health condition. *See id.* Part and parcel of obtaining care and continuing treatment from a medical provider may require the employee to travel to the provider's location.

As a result, when an eligible employee travels to or from a health care provider for a medical appointment regarding the employee's serious health condition, he or she may take FMLA leave not only for the actual appointment, but also the time traveling to or from the appointment. Id.; *cf. Hodgens v. General Dynamics Corp.*, 144 F.3d 151, 165 (1st Cir. 1998) ("The FMLA protected [the employee's] absences whenever his health condition required him to visit his physician rendering him unable to work during the time it took to accomplish those visits."). By contrast, travel time that is not related to the employee's own serious medical condition is not protected by the FMLA. *Cf. Hodgens*, 144 F.3d at 172 (holding that time was "not protected by the FMLA" when the employee, released by his doctor for half-days or light-duty after medical appointments, failed to return to work).

Similarly, the FMLA entitles an eligible employee to leave "[i]n order to care for" certain family members with serious health conditions. 29 U.S.C. § 2612(a)(1)(C). Caring for family members may include accompanying them to medical appointments. By the same token, when an eligible employee travels to or from a medical appointment with a health care provider to diagnose, monitor, or treat a serious health condition of a covered family member, that employee is entitled to use FMLA leave. *Id.*; *see also* 29 C.F.R. § 825.124(a).

Although the Act affords employees statutory leave to obtain care and treatment—including time spent traveling to obtain such care and treatment—the FMLA does not protect misuse of that leave. Therefore, FMLA-protected leave for travel time discussed above does not encompass travel to or from, or stops for, other unrelated activities. Where "absences are not attributable to a serious health condition . . . FMLA is not implicated and does not protect an employee against disciplinary

action based upon such absences." *Evans v. Coop. Response Ctr*, 996 F.3d 539, 551 (8th Cir. 2021) (quoting *Dalton v. ManorCare of W. Des Moines Iowa*, 782 F.3d 955, 962 (8th Cir. 2015)).

Neither the Act nor FMLA regulations anticipate that health care providers will furnish information about an employee's travel time on a medical certification. *See* 29 U.S.C. § 2613(b); 29 C.F.R. § 825.306(a).[2] The FMLA permits an employer to request "medical facts within the knowledge of the health care provider regarding the condition." 29 U.S.C. § 2613(b)(3). A healthcare provider's knowledge does not extend to the travel time necessary for a patient to get to and return from a needed appointment. Accordingly, a medical certification need not include any information regarding travel time to be complete and valid under the FMLA and the Division's regulations.

These principles may be illustrated by the following examples:

Example 1: Grace is an eligible employee who works 9:00 am to 5:00pm each day. She requests intermittent leave to transport herself to or from a medical facility to complete her dialysis treatment. Grace discussed with her employer and was able to schedule the appointment at 4pm each day to minimize the impact to her employer's operations. The 30 minutes of travel to her appointment qualifies for FMLA leave, along with any time that elapses while Grace receives the treatment and would need leave from work to reach the end of her scheduled workday of 5:00 pm.

Example 2: David is an eligible employee who requests intermittent leave to take his mother to her biweekly doctor's appointments for the treatment of a serious health condition. David provided a medical certification to his employer explaining that his mother must attend an estimated 30-minute appointment every other week. Every other week, David leaves his jobsite, drives to his mother's house, picks her up and drives her to her appointment, and drives her home before returning to work. The amount of time David needs to travel, wait for his mother's appointment to begin and end, and assist his mother when she returns home, varies. David typically uses two to two and a half hours every other week for the care of his mother. This leave is FMLA-protected and counts against his FMLA entitlement.

Example 3: Rick requests leave from work to accompany his child on his child's high school band trip. His child has a chronic serious health condition but does not have any episodes of incapacity or need for care during the trip. Any time Rick takes off work to travel on the band trip would not be covered by the FMLA because the leave is unrelated to his child's serious health condition.

Example 4: Rhoda is an eligible employee who takes intermittent leave on Friday afternoons for 2 hours to go to physical therapy for her serious health condition. Rhoda leaves work, travels to the physical therapy center, attends physical therapy, and returns to work most days. One Friday, she requests leave for 3 hours, including an extra hour in order to go by the library and do grocery shopping after her physical therapy. The 2 hours she needs for her physical therapy is FMLA-protected; however, the time Rhoda spends in the activities not related to her serious health

[2] The FMLA regulations do require that a medical certification include "information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery." 29 C.F.R. § 825.306(a)(6).

condition (i.e., going to the library and grocery shopping) would not be FMLA-protected leave and would not count against her entitlement.

CONCLUSION

In these circumstances, an eligible employee may use FMLA leave that counts against his or her FMLA entitlement to travel to or from a medical appointment for a serious health condition, whether or not the medical certification indicates the need for, time required, or other particulars of, such travel time.

We trust that this letter is responsive to your inquiry.

Sincerely,

Andrew B. Rogers
Administrator

***Note: The actual name(s) was removed to protect privacy in accordance with 5 U.S.C. § 552(b)(6).** You represent that you do not seek this opinion for any party that the Wage and Hour Division (WHD) is currently investigating or for any litigation that commenced prior to your request. This opinion is based exclusively on the facts and circumstances described in your request and is given based on your representation, express or implied, that you have provided a full and fair description of all the facts and circumstances that would be pertinent to our consideration of the question presented. The existence of any other factual or historical background not contained in your letter might require a conclusion different from the one expressed herein.