

Paid Family and Medical Leave (PFML): Intermittent Leave

A reference for Massachusetts employers

What is intermittent leave?

Intermittent leave is one of three types of [leave schedules available for PFML](#). The other two are continuous leave (complete time off of work) and reduced leave (a reduced work schedule that is consistent week-to-week).

Intermittent leave is taken in unpredictable intervals, up to the approved amount of leave time. This type of leave can be useful for people with chronic health conditions that can flare up without warning and for people who are caring for a family member who needs occasional help managing a serious health condition.

As an employer, can I prohibit or deny intermittent leave?

If the [Health Care Provider \(HCP\)](#) determines that an intermittent leave schedule is needed, the employer cannot generally prohibit or deny the employee from taking their approved leave. If your employee is eligible for PFML, the [Department of Family and Medical Leave \(DFML\)](#) will approve their leave application based on the medical certification form completed by an HCP. An exception is family leave to bond with a new child; this type of leave can only be taken on an intermittent schedule if the employer approves the intermittent bonding leave.

Excerpt from 458 CMR, § 2.13, relevant to eligibility for intermittent PFML

For medical leave due to a covered individual's own serious health condition, intermittent leave may be taken if medically necessary. An employee or covered contract worker shall advise the employer or covered business entity, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee or covered contract worker and employer or covered business entity shall attempt to work out a schedule for such leave that meets the individual's needs without unduly disrupting the employer or covered business entity's operations, subject to the approval of the health care provider.

What are the guidelines on usage of intermittent leave?

An employee who is approved for intermittent leave can use their leave time as indicated by the HCP on the certification form. Their intermittent leave absences must be related to the serious health condition documented on the certification form.

The HCP must specify the frequency and duration of leave needed. For example, if the certification form states that the employee can take up to 3 days per month and that employee takes 1 day in the first week of the month and 2 days in the 3rd week of the month, then they do not have any leave remaining for the 4th week of that month.

The employee must report each intermittent absence in a timely manner.

Excerpt from 458 CMR, § 2.09, relevant to misuse of leave time:

Where the Department finds that a covered individual has failed to provide the Department with notice of a relevant change in circumstances which would have reduced the amount of benefits paid, the covered individual shall be responsible to reimburse the Department the amount overpaid within 30 calendar days of a request made by the Department.

How can employers manage intermittent leave?

It is important to communicate with your employee about their leave. You can talk to your employee about the reason for their approved leave and their approved leave dates. You may ask your employee about their anticipated schedule - while many people on intermittent leave have unpredictable medical events, some people do have an idea of when they may need time off. You can discuss with your employee how the organization will cover their work duties while they are absent. Your organization's leave administrator will receive an email notification when intermittent leave hours are reported and can also use the [PFML employer portal](#) to track an employee's leave time.

You may also request new medical certification of the employee's serious health condition if the intermittent leave has extended beyond six months.

Excerpt from 458 CMR, § 2.10, relevant to recertification

An employer or covered business entity may seek a medical recertification of the employee or covered contract worker's serious health condition following the expiration of the initial period of incapacity cited in the healthcare certification or where an intermittent leave has extended for a period of more than six months from the approval by the Department, whichever occurs first.

Questions? Contact us at (833) 344-PFML (7365) or [read PFML frequently asked questions for employers](#).