



U.S Family and Medical Leave - Intermittent Leave Rules

Insights

Generally, medical and family care leaves may be taken on an intermittent or reduced schedule basis, when "medically necessary" (i.e., when certified by a health care provider). Parental leaves, however, are different in many cases. Federal FMLA, and most state laws, allow the employer the discretion to grant intermittent leaves for parental leave. There are, however, a handful of state laws which do allow employees to take intermittent leave, e.g., NY PFL, NJ FLA, WA PFML, etc. without requiring employer permission. The California Family Rights Act (CFRA) permits the employee some flexibility to take parental leave intermittently, but to a limited extent.

We find that most employers set a minimum duration for intermittent parental leave, *where the state law permits*. Most commonly, our employers require their employees take parental leave in a 1-week minimum duration. We recommend that, if you, as an employer, do enforce a minimum duration for parental leave requests, that you also state within your leave policy that the minimum duration applies "unless otherwise permitted by state law." For those states which allow intermittent parental leave (if you have employees within that state), it may be advisable that within your leave policies, you make employees aware of their rights to take intermittent leave. This is a topic that you may also wish to discuss with your own legal counsel.

Content

Below you find the family and medical leave laws within each state, and the applicable intermittent rules.

We include the Law Type below, whether the law provides "Pay" only (e.g., income replacement), whether the leave provides "Leave" only (e.g., provides only unpaid, job protected leave), or whether the law which provides both "Leave" and "Pay" (e.g., both job protected leave and income replacement). If the "Law Type" states "Pay" only, then employers are generally not obligated to grant intermittent leave under that particular law, as it is a law which simply provides income replacement benefits. Regarding any laws which provide "Pay" or "Leave and Pay", we generally advise when employees do go on leave to have them file for benefits with the state, and the state will make the determination of whether the leave (whether intermittent, or continuous for that matter) is approved.

For employer and employee law eligibility requirements and leave durations, please see this [link](#) and select the State Leave and Pay Summary Table.

State	Law	Law Type	Leave Types/Intermittent Rules
Federal	Family and Medical Leave Act (FMLA)	Leave	Medical (including pregnancy disability), Family Care (including servicemember care), Military Exigency Leave - Permitted. Parental Leave - Permitted (with employer agreement).
	Uniformed Services Employment and Reemployment Rights Act (USERRA)	Leave	Military Leave - Permitted.
Alabama	Adoption Promotion Act (APA)	Leave*	Parental Leave (adoptive and biological) - Permitted (with employer agreement).
California	California Family Rights Act (CFRA)	Leave	Medical, Family Care, Military Exigency Leave - Permitted. Parental Leave - Permitted in blocks of 2 weeks or more. Exception: an employee could take any 2 occasions of less than 2 weeks. For example, 8 hours of leave one week, 8 hours the next week (2 occasions which are less than 2 weeks). The employer could require that the employee take any remaining leave in blocks of 2 weeks or more.
	Pregnancy Disability Leave (PDL)	Leave	Pregnancy Disability - Permitted.
	State Paid Family Leave (PFL) - income replacement law only	Pay	Family Care, Parental Leave, Military Exigency - Permitted.
	State Disability Insurance (SDI) - income replacement law only	Pay	Medical (including pregnancy disability) - Permitted in some cases (if an employee has a 7 consecutive day disability, and then requires intermittent leave due to the same condition within 60 days of returning to work). It is advisable to have employees apply and the state will make the determination of eligibility for benefits.
	SF Paid Parental Leave Ordinance (SF-PPLO) - income replacement law only	Pay (employer provided pay)	Parental Leave - Permitted. PPLO requires that employers top-up CA PFL (and wages received for work performed) to an employees regular salary during intermittent leave.
Colorado	Colorado Family Care Act (CO FCA)	Leave	Family Care Leave (domestic and civil partner) - The law does not address the use of intermittent leave. We recommend deferring to federal FMLA.
	Colorado Paid Family and Medical Leave Insurance Act (CO FAMILI)	Leave and Pay	Medical (including pregnancy disability), Family Care Leave, Parental, Military Exigency, and Safe Leave - Permitted. Note: payment is not issued until the employee accumulates at least 8 hours of intermittent time. This is simply for the state's payment processing convenience (but employees are still allowed take the time off).
Connecticut	Connecticut Family and Medical Leave Act (CT FMLA)	Leave	Medical (including pregnancy disability & organ/bone marrow donation), Family Care (including servicemember care), Military Exigency - Permitted (with employer agreement). Parental Leave - Permitted (with employer agreement).

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	Connecticut Fair Employment Practices Act (FEPA)	Leave	Pregnancy Disability - Permitted.
	Connecticut Paid Leave (CTPL) - income replacement law only	Pay	Medical (including pregnancy disability & organ/bone marrow donation), Family Care (including servicemember care), Military Exigency, Parental, and Family Violence (Safe) Leave - Permitted.
Delaware	Delaware Family and Medical Leave Insurance Program (DE PFMLI) - law effective 2026	Leave and Pay	Medical (including pregnancy disability), Family Care - Permitted. Parental, Military Exigency Leave - The law does not yet address use of intermittent leave. Rules are still developing so we will monitor any updates regarding this.
Hawaii	Hawaii Family Leave Law (HFLL)	Leave	Family Care, Parental Leave - Permitted.
	Hawaii Temporary Disability Insurance (TDI) - income replacement law only	Pay	Medical (including pregnancy disability) - Permitted in certain cases (if an employee has a 7 consecutive day disability, and then requires intermittent leave due to the same condition within 14 days of return to work). It is advisable to have employees apply and the state will make the determination of eligibility for benefits.
Louisiana	Louisiana Pregnancy Disability Law (LAPDL)	Leave	Pregnancy Disability - Permitted.
Maine	Maine Family and Medical Leave Act (MFMLA)	Leave	Medical (including Organ Donation), Family Care leave - Permitted.
			Parental Leave - Permitted (with employer agreement).
Maryland	Maryland Parental Leave Act (MD PLA)	Leave	Pregnancy/Parental Leave - The law does not address the use of intermittent leave. We recommend deferring to federal FMLA.
	Maryland Family and Medical Leave Insurance (MD FAML) - law effective July 1, 2026.	Leave and Pay	Medical (including pregnancy disability), Family Care (including servicemember care), Parental, Military Exigency Leave- Permitted (minimum 4 hour increments). Rules are still developing so we will monitor any updates regarding this.
Massachusetts	MA Paid Family and Medical Leave (MAPFML)	Leave and Pay	Medical (including pregnancy disability), Family Care (including servicemember care), Military Exigency Leave - Permitted. Parental Leave - Permitted (with employer agreement). Note: payment is not issued until the employee either accumulates a minimum of 8 hours of leave time, or more than 30 calendar days has lapsed since the intermittent leave occurred. This is simply for the state's payment processing convenience (but employees are still allowed take the time off).
	MA Parental Leave Act (MPLA)	Leave	Pregnancy/Parental Leave - The law does not address the use of intermittent leave. It may be acceptable to defer to MA PFML.
Minnesota	Minnesota Pregnancy and Parental Leave Act (MPPL)	Leave	Pregnancy Disability/Parental Leave - The law does not address the use of intermittent leave. We recommend deferring to federal FMLA.
New Hampshire	New Hampshire Law Against Discrimination (NH-LAD)	Leave	Pregnancy Disability - Permitted.
	New Hampshire Paid Family and Medical Leave (NH PFML) - law effective January 1, 2023 (income replacement law only).	Pay	Medical (including pregnancy disability & organ/tissue donation), Family Care (including servicemember care), Military Exigency - Permitted (minimum 4 hour increments).
New Jersey	NJ Family Leave Act (NJ FLA)	Leave	Family Care and Parental - Permitted (minimum 1 hour increments).
	New Jersey Family Leave Insurance (NJ FLI) - income replacement law only.	Pay	Family Care and Parental - Permitted (minimum 1 day increments). If leave is taken intermittently, the maximum duration is reduced to 8 weeks (56 days) instead of 12 weeks (84 days) within a 12-month period.
	New Jersey Temporary Disability Insurance (TDI) - income replacement law only.	Pay	Medical (including pregnancy disability & organ/bone marrow donation) - Permitted in a minimum 1 day increments in certain circumstances (if an employee has a 7 consecutive day disability, and then requires intermittent leave due to the same condition within 14 days of return to work). It is advisable to have employees apply and the state will make the determination of eligibility for benefits.
New York	NY Paid Family Leave (NY PFL)	Leave and Pay	Family Care, Parental, Military Exigency Leave - Permitted (minimum 1 day increments).
	NY Disability Benefit Law (NY DBL) - Income replacement law.	Pay	Medical (including pregnancy disability) - Permitted in a minimum 1 day increments in certain circumstances (if an employee has a 7 consecutive day disability, and then requires intermittent leave due to the same condition within 3 months of return to work). It is advisable to have employees apply and the state will make the determination of eligibility for benefits.

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Oregon	Oregon Family Leave Act (OFLA)	Leave	Medical (including pregnancy disability), Family Care Leave (including Sick Child leave), Bereavement Leave - Permitted. Parental - Parental leave prior to the adoption or placement of a foster child if their presence is required to effectuate the adoption or placement. Further, to allow biological parents to attend the birth of or give birth to the employee's child. In any other situations, Parental leave must be taken in a continuous block, unless otherwise agreed to by the employer.
	Paid Leave Oregon (OR PLO) - law effective September 3, 2023.	Leave and Pay	Parental, Family Care, Medical (including pregnancy disability), and Safe Leave - Permitted (minimum 1 day increments).
Rhode Island	Rhode Island Parental and Family Medical Leave Act (RIPFMLA)	Leave	Medical (including pregnancy disability), Family care and parental: Not permitted.
	Rhode Island Temporary Caregiver Insurance (TCI)	Leave and Pay	Family Care and Parental: Not permitted.
	Rhode Island Temporary Disability Insurance (TDI) - income replacement law only.	Pay	Medical (including pregnancy disability): Permitted in certain circumstances (e.g. we understand if an employee has a 7 consecutive day disability, and then requires intermittent leave due to the same condition within the same 52 week period). It is advisable to have employees apply and the state will make the determination of eligibility for benefits.
Tennessee	TN Maternity Leave Act (TN MLA) - Includes non-birthing parents.	Leave	Pregnancy/Parental Leave - The Larkin Company interprets that intermittent leave is not permitted under the law. However, we see no issue with permitting the use of intermittent leave with employer agreement (i.e. deferring to the federal FMLA rules regarding intermittent parental leave).
Vermont	Vermont Parental and Family Leave Act (VPFLA)	Leave	Medical Leave (including pregnancy disability), Parental, Family Care - The law does not address the use of intermittent leave. We recommend deferring to federal FMLA (see above).
	Vermont Paid Family and Family Leave Insurance (VT PFMLI) - Law effective July 1, 2024.	Pay	Medical (including pregnancy disability), Family Care (including servicemember care), Parental, Military Exigency Leave - Permitted. Rules are still developing so we will monitor any updates regarding this.
Washington	Washington Paid Family and Medical Leave (WA PFML)	Leave and Pay	Medical (including pregnancy disability), Family Care, Parental, Military Exigency Leave - Permitted (minimum 8 consecutive hours in a week, e.g. employee missed a full 8-hour shift, or missed the last 4 hours of one shift and the first 4 hours of the next shift). Provided the employee misses 8 consecutive hours once in a week, all other intermittent time is approvable, e.g. employee misses 8 hours on Wednesday, and 3 hours on Friday. As a result of the 8 consecutive hours missed on Wednesday, the 3 hours on Friday are also approvable.
	Washington Law Against Discrimination (WLAD)	Leave	Pregnancy Disability - Permitted.
Washington D.C.	D.C Family and Medical Leave Act (FMLA)	Leave	Medical Leave (including pregnancy disability) and Family Care leave - Permitted. Parental - Permitted (with employer agreement).
	D.C Paid Family Leave (PFL) - Income replacement law.	Pay	Medical Leave (including pregnancy disability and Prenatal Leave), Family Care leave, Parental - Permitted (minimum 1 day increments).
Wisconsin	Wisconsin Family and Medical Leave Act (WFMLA)	Leave	Medical Leave (including pregnancy disability) and Family Care, Parental Leave - Permitted.
*Alabama Adoption Promotion Act (APA) - The APA law requires employers to provide 12 weeks of leave for biological AND adoptive parents (runs concurrently with FMLA). In some cases it requires employers to provide pay to employees, but only if company pay is not equitable between biological and adoptive parents. See the Alabama page on the Compliance Center for more details.			
The Larkin Company has taken reasonable steps to ensure the accuracy of the information on this page, however we make no representation or warranty of any kind as to its accuracy or completeness. These resources should not be construed or substituted for legal advice. Accordingly, before taking any actions based upon such information provided herein, we encourage you to seek competent legal advice from a licensed attorney or appropriate professionals.			