

Are all cancer treatments eligible for FMLA leave?

Q. Do we always have to allow **intermittent FMLA leave for cancer treatments (e.g., chemo and radiation)? The employee is capable of working and says the treatments are available only during the day. — J.P., Oklahoma**

A. Yes, employees may use FMLA for leave due to chronic serious health conditions, including cancer. Under the FMLA regulations, chronic serious health conditions are ones that require “periodic visits” for treatment by a health care provider (at least twice a year); that continue over an extended period of time; and may cause episodic rather than continuing periods of incapacity.

Note: Employees must observe certain notice requirements to minimize the disruption. Your employee must provide at least 30 days’ advance notice before taking FMLA leave if the need for leave is foreseeable. If 30 days is not possible, employees must give notice as soon as practicable. Furthermore, when planning medical treatments, employees must consult with the employer and make a reasonable effort to schedule the treatment so it doesn’t unduly disrupt operations.