

Does FMLA cover prenatal appointments?

Q. One of our employees is expecting a baby and would like to count the time she spends at pregnancy-related doctor's appointments as FMLA leave. Are we obligated to allow intermittent leave for doctor's appointments?

A. "Intermittent leave" is FMLA leave taken in separate blocks of time due to a single reason. The FMLA regulations allow an employee to take intermittent or reduced-schedule leave when medically necessary due to the serious health condition of the employee (or of the employee's family member).

A "serious health condition" under the FMLA includes "any period of incapacity related to pregnancy" as well as prenatal care. Therefore, if your employee needs time off to attend prenatal examinations, this time qualifies as FMLA leave and your employee is entitled to take leave on an intermittent basis.

Also, keep in mind that an expectant mother who is incapacitated because of pregnancy—for example because of severe morning sickness—would be entitled to leave even if she does not receive treatment from a health care provider during the absence and even if the absence does not last more than three days.