

Can employee take intermittent FMLA leave to attend her child's sporting events?

Q. An employee's daughter has diabetes and the employee has intermittent leave to provide assistance and care for her. The employee is now using FMLA leave to attend her daughter's field hockey games and practices, claiming she needs to be there in case of diabetic complications during athletic events. The health care certification that we received in connection with this FMLA leave request does refer to a need to provide care during "flare ups." Do we have to continue to permit the mother to attend the games and practices as intermittent FMLA leave?

A. Probably not. Unless the daughter has a history of flare-ups during practices or games, there is a very good argument this intermittent FMLA leave is not required for this purpose. The FMLA does not provide for leave to cover such "what if" fact patterns unless the daughter is actually temporarily incapacitated, needs to seek treatment or has a history of such flare-ups.

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