

# LABOR AND EMPLOYMENT

## INFORMATION MEMO

JANUARY 29, 2026

### **United States Department of Labor Issues Guidance on FMLA Leave for Time Traveling to and From Medical Appointments**

On January 5, 2026, the United States Department of Labor (DOL) issued an opinion letter (FMLA2026-2) clarifying whether time spent traveling to and from medical appointments may qualify as protected leave under the Family and Medical Leave Act (FMLA). The DOL concluded that employees may use FMLA leave not only for the medical appointment itself, but also for travel time reasonably necessary to obtain treatment for a qualifying serious health condition.

The FMLA entitles eligible employees up to 12 weeks of leave during any 12-month period for the treatment of “serious health conditions” and to care for certain family members with a serious health condition. A “serious health condition” generally involves overnight hospitalization, inpatient care and continuing treatment from a medical provider, as defined by the statute and implementing regulations. Examples of qualifying serious health conditions may include cancer, diabetes, Alzheimer’s disease, pregnancy and certain mental health conditions. Time spent attending medical appointments to diagnose or treat a qualifying serious medical condition is a recognized and permissible use of FMLA leave.

The FMLA also permits eligible employees to take leave to care for a qualifying family member—defined as a spouse, child or parent—with a serious health condition. This caregiving leave may include accompanying a qualifying family member to medical appointments related to the diagnosis or treatment of the serious health condition.

#### **The DOL’s Opinion on Travel Time under the FMLA**

The January 5, 2026 DOL opinion letter reasoned that travel to and from a health care provider is essential for obtaining care and continuing treatment. As a result, the DOL concluded that FMLA leave may be used “not only for the actual appointment, but also the time traveling to and from the appointment.” The DOL further explained that the same principle applies when an employee travels to and from a qualifying family member’s medical appointment when treating a serious medical condition. Importantly, only travel time directly related to obtaining or providing covered medical care qualifies for FMLA protection and will be considered an appropriate use of leave time.

The DOL cautioned, however, that FMLA protection does not extend to travel time that contains travel or stops for “unrelated activities.” By way of example, if an employee requests three hours of leave time for an appointment but spends one of those hours shopping or engaging in other personal errands, only the time reasonably related to the medical appointment would qualify as protected FMLA leave time.

The DOL opinion letter also addressed whether medical certifications must account for an employee’s travel time. The opinion letter explains that neither the FMLA nor its implementing regulations require a health care provider to include information regarding an employee’s travel time when completing a medical certification. To that end, the FMLA allows an employer to request “medical facts within the knowledge of the health care provider regarding the [employee’s] condition”. Because an employee’s travel time is not within the knowledge of the health care provider, the DOL states that a medical certification need not include information on travel time to be considered valid.

## Recommendations

Employers should review and, where appropriate, update their leave policies and internal procedures to reflect that travel time to or from an appointment related to an employee's serious health condition or to a qualifying family member's serious health condition is appropriate leave under the FMLA. Employers should also ensure that human resources personnel and leave administrators understand that an employee's medical provider is not required to document or quantify travel time in a medical certification and that the absence of such information does not render leave related to the travel time as invalid.

If you have any questions regarding this guidance or would like assistance evaluating your leave policies or specific FMLA issues, please contact **Samuel Dobre**, **Jason Kaufman**, **Patrick Caldarelli** or any attorney in **Bond's Labor and Employment Practice**.

