



HIGHLIGHTS

- A recent DOL opinion letter addressed calculating FMLA leave entitlement and time used for shift workers on intermittent or reduced schedule leave.
- The DOL advised that employees may convert FMLA workweeks to hours, but they must count the employee's actual schedule, including mandatory, but not voluntary, overtime hours.

DOL Clarifies FMLA Leave Calculation for Shift Workers With Overtime

The U.S. Department of Labor's (DOL) recent Opinion Letter [FMLA2025-02-A](#) responds to an employer's question about how to calculate intermittent or reduced schedule leave under the federal Family and Medical Leave Act (FMLA). The question concerns correctional employees working 12-hour shifts plus mandatory and voluntary overtime. The letter was issued Sept. 30, 2025.

Background: The FMLA Statute and Regulations

12 Workweeks of Leave

The FMLA provides eligible employees of covered employers with unpaid, job-protected leave for specific reasons related to the well-being of themselves and their families. Employees are generally entitled to 12 "workweeks" of leave in a 12-month period.

Conversion of Workweeks to Hours

When an employee takes **intermittent or reduced-schedule** FMLA leave, the FMLA regulations allow employers to convert the employee's workweeks into hours to calculate the employee's FMLA leave entitlement and the amount of leave taken.

For employees who work a standard 40-hour per week schedule, this results in a 480-hour FMLA entitlement per benefit year. The DOL notes in the letter that **the specific employee's actual schedule determines the conversion calculation**. Thus, the letter explains, an employee who works 30 hours per workweek would be entitled to 360 hours of leave per leave year (30 hours per workweek multiplied by 12 workweeks), and an employee who works 60 hours per workweek would be entitled to 720 hours (60 hours per workweek multiplied by 12 workweeks).

Opinion Letter FMLA2025-02-A

The employees at issue in the letter work under a "Pitman" schedule mandating 84 hours of work every two weeks. The employer therefore calculated an FMLA leave entitlement for these employees of 504 hours (42 hours per week multiplied by 12 weeks).

The DOL agreed with the employer's approach, opining that the employer properly converted the 12-week FMLA benefit to an hourly equivalent, based on the work time in an employee's normal, actual workweek. **Mandatory overtime** that an employee was scheduled to work should be included in the calculation of the employee's FMLA entitlement and counted as FMLA leave for an employee who did not work the hours because they were on FMLA leave. However, the DOL advised that the employer could not count **voluntary overtime hours** the employee could potentially work as part of the employee's FMLA leave entitlement or FMLA leave taken.

Employer Takeaway

The letter is useful for employers when calculating FMLA leave time for intermittent or reduced-schedule leave, which can be challenging. The DOL clarifies that any conversion of workweeks to hours must follow the employee's actual schedule, and the calculation may count mandatory overtime but not extra voluntary hours.