

Travel Time for FMLA Medical Appointments and Telework Accommodations for Disabilities: Two 2026 Developments Employers Shouldn't Ignore

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In 2026, managing employees can feel a bit like being an air traffic controller. Some employees are coming and going for medical appointments, others want to stay “in the clouds” working remotely, and employers are trying to keep everything moving without a collision. Two recent federal developments may not alter the entire flight plan but sharpen the rules of the runway by clarifying when travel time is protected leave and how telework should be evaluated as a potential accommodation.

On January 5, 2026, and February 11, 2026, respectively, the Department of Labor (DOL) issued an [opinion letter on Family and Medical Leave Act \(FMLA\) travel time](#), and the Equal Employment Opportunity Commission (EEOC) and the Office of Personnel Management (OPM) issued [joint guidance regarding permitting telework as a disability accommodation](#). The guidance materials address different issues, under different laws, but both speak to the same reality: employers must be deliberate and disciplined about how they handle leave and flexibility.

DOL Opinion Letter: When Travel Time Is Protected FMLA Leave

The DOL opinion letter answers a deceptively simple question: when an employee takes time off for a medical appointment, does the time spent traveling to and from that appointment count as FMLA leave?

The DOL's answer is a clear “yes” — when the travel is necessary for FMLA-qualifying treatment. If an employee needs to drive an hour each way to see a specialist to treat a serious health condition, the time spent traveling, plus the time spent at the appointment, may all be FMLA-protected, so long as it renders the employee unable to work during that period. The same applies when the employee is transporting a spouse, child, or parent to a qualifying appointment and providing care in connection with that travel.

The flip side is equally important. FMLA leave does not wrap itself around the entire day just because there is a medical visit at some point during it. Personal activities (e.g., running errands, social visits, or other nonmedical stops) remain personal time, not protected leave. Employers may (and should) distinguish between time that is tied to treatment or care, and time that is simply used for the convenience of the employee.

A notable point that matters in day-to-day administration of FMLA leave: the DOL confirms that medical certifications do not need to specify travel time. Health care providers are not expected to estimate how long an employee spends traveling to get to their office. A certification that otherwise meets the FMLA regulations is

“complete and sufficient” even if it says nothing about travel. Employers should resist the temptation to send certifications back for “clarification” on travel estimates, as that is not a valid basis for challenging the certification.

For covered employers, the practical effect is straightforward. Employees with serious health conditions — particularly those in areas where specialists are far away — may need intermittent leave that includes travel time. That time counts against the employee's 12-week FMLA entitlement, but it is also job-protected if properly certified and noticed. Policies and training should reflect this reality. And although the DOL does not enforce the Americans with Disabilities Act (ADA), employers may consider utilizing a similar approach for ADA-related time away from work.

EEOC/OPM Telework FAQs: Telework as a Disability Accommodation

Separately, new guidance from the EEOC and OPM addresses another familiar pressure point: employees with disabilities seeking telework as a reasonable accommodation — whether to continue an existing arrangement or to initiate a new one — regardless of any broader return-to-office efforts by their employers.

The guidance takes the form of FAQs and, though directed at federal agencies applying the Rehabilitation Act, is built on principles under the ADA that apply equally in the private sector, and is coming from the EEOC, which enforces the ADA in the private sector. The core message is that telework is neither a universal right nor a mere perk. It is one potential form of reasonable accommodation — and it must be evaluated as such, on an individualized, case-by-case basis.

Telework can be a reasonable accommodation when it enables a qualified individual with a disability to perform the essential functions of the job, participate in the hiring process, or enjoy equal benefits and privileges of employment. Accommodations could include full-time telework (*i.e.*, remote work), recurring or routine telework, and situational telework.

But employees are not automatically entitled to work from home just because telework was permitted during the pandemic, or because it is more convenient or helps employees mitigate symptoms, manage their condition, or improve quality of life. Prior temporary or pandemic-related telework arrangements may be relevant evidence, but they do not by themselves establish that telework is a required reasonable accommodation going forward. Employers remain entitled to identify which duties are truly essential and to determine when those duties require in-person performance.

The FAQs make clear that employers may revisit existing telework arrangements. If business needs change, employee performance declines, job duties evolve, or broader return-to-office policies are implemented, it is permissible to reassess whether telework is still necessary and/or effective as an accommodation. What is not permissible is a blanket declaration that “all telework accommodations [for all positions for all times] are cancelled.” The law still requires an individualized interactive process, supported by appropriate medical documentation where needed, and a reasoned analysis of alternatives and potential undue hardship.

For private employers, the guidance reinforces some familiar but often neglected themes: telework requests tied to disability must be routed through the accommodation process, not handled casually; essential functions should be clearly defined; and decisions should be grounded in a review of job needs, employee performance, and

operational realities, not in frustration with telework generally.

Helpful Tips for Employers Managing Leave and Flexibility in 2026

Together, these developments underscore the need for careful, disciplined management of both leave and flexibility. A few practical steps for 2026:

Clarify FMLA playbook.

Employers should ensure that their FMLA policies, forms, and timekeeping practices do not effectively exclude time spent traveling to and from qualifying medical appointments from protected leave, and that human resources personnel and managers understand that intermittent leave may include travel time, even if not addressed in medical certifications.

Tune up existing telework arrangements and the accommodation process.

The EEOC recommends annually reevaluating telework arrangements, among other significant accommodations, to ensure they remain effective and necessary. Employers should review accommodation practices to ensure that requests for an accommodation based on medical need, including those for telework, are evaluated in good faith, through a consistent, documented interactive process. The interactive process should focus on functional limitations, essential job duties, potential alternatives to teleworking (where other effective accommodations may be available), and whether any requested arrangement would pose an undue hardship.

Align job descriptions and policies with how work gets done.

Return-to-office policies, hybrid schedules, telework expectations, and leave procedures should align with one another. In practice, this may mean revising outdated telework policies, updating employee handbooks, and revisiting job descriptions to ensure they accurately reflect current expectations, clearly articulate essential functions, and document the operational needs supporting in-person requirements.

The DOL's FMLA guidance on travel time and the EEOC/OPM telework FAQs are reminders that leave and flexibility remain heavily regulated terrain. Employers that invest now in clean policies, solid documentation, and well-trained managers will be better positioned when the next complex request lands on their desk.

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