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Remote Workers and the Federal Family and Medical Leave Act (FMLA)

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Employers with 50 or more employees within a 75 mile radius must comply with the FMLA. The U.S. Department of Labor has advised that a remote employee's worksite, for ascertaining if there are 50 or more employees **within a 75 mile radius** of the employee, is **the office to which they report from, or from which their assignments are made, not the location where they may be physically located (i.e., their home).**

Additionally, the FMLA requires employers to display a poster summarizing the FMLA in a "conspicuous location" where employees and job applicants would be able to see it. With remote and hybrid employees, not all applicants will see a poster in, for example, a break room. Therefore, employers should display the physical poster at the workplace as well as on an internal website to which remote or hybrid employees have access and online where job applicants may apply for a position.

Lastly, as a reminder, in April 2023, the U.S. Department of Labor updated the [FMLA poster](#). Employers should be sure to use the updated version.

If you are an employer with a question about FMLA or another employee leave policy question, contact [Tracy Armstrong](#) or another member of the Wilentz [Employment Law](#) team.

Attorney

- Tracy Armstrong

Practice

- Employment Law