



*This article presents general guidelines for Ohio nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.*

## LEGAL ALERT

# Important New FLSA and FMLA Guidance Issued

Last month, the U.S. Department of Labor (DOL) issued two important policy documents that set forth the DOL's position on key issues under the federal [Fair Labor Standards Act](#) (FLSA) and the federal [Family and Medical Leave Act](#) (FMLA).

## Telework Under the FLSA and FMLA

The DOL published Field Assistance Bulletin No. 2023-1, *Telework Under the Fair Labor Standards Act and Family and Medical Leave Act*. This document summarizes some of the rules under both laws.

With respect to the FLSA, which applies to most employers with one or more employees, the DOL overviewed the rules relating to:

- What is compensable work time for nonexempt employees.
- What break periods are compensable and which ones are not, including when nonexempt employees are teleworking.
- Off duty time for nonexempt employees who work from home.
- Break time for pumping breast milk, which is applicable to both exempt and nonexempt employees. The document references the recently enacted PUMP for Nursing Mothers Act, which is discussed in our [article](#) dated March 1st.

With respect to the FMLA, which applies to most employers with 50 or more employees, the DOL explained that when employees work from home or otherwise telework, "their worksite for FMLA eligibility purposes is the office to which they report or from which their assignments are made."

## Indefinite Reduced Work Schedule for Employees with Serious Health Conditions

In [FMLA Opinion Letter No. 2023-1-A](#), the DOL held that eligible employees with a serious health condition that necessitates limited work hours may use FMLA leave to work a reduced number of hours per day (or week) for an indefinite period of time as long as they don't exhaust the hourly equivalent of their 12 weeks of FMLA leave.

Special thanks to our sister organization, [Pro Bono Partnership](#), for their content contribution.

## Need Legal Advice?

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