

THE JOURNAL RECORD

Gavel to Gavel: Single site, multiple locations: WARN Act compliance for remote workforces

By: [Joseph W. Lang](#) // GableGotwals // January 15, 2026



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With some indications of a slowing labor market, many businesses are quietly reviewing their workforce strategies. For legal teams and executives managing a reduction in force (RIF), the Worker Adjustment and Retraining Notification (WARN) Act is a familiar hurdle. However, the rise of remote work has introduced a variable when determining a “single site of employment” under WARN.

If you believe your [remote employees](#) do not count toward the 50-employee threshold for a site-specific layoff, you may be exposing your company to significant litigation risk.

A Brief [WARN Act](#) Refresher: Most broadly, the federal WARN Act requires employers with 100 or more full-time employees to provide at least 60 days’ advance written notice of a “plant closing” or “[mass layoff](#).” Generally, notice is triggered if a “plant closing” results in employment loss for 50 or more employees, or if a “mass layoff” affects 500 or more employees (or 50-499 employees if they comprise 33% of the active workforce) at a single site of employment.

Although Oklahoma lacks a state-specific mini-WARN Act, multi-state employers should confirm whether stricter notice laws apply to employees stationed in other states.

The “Single Site” Trap for Remote Workers: A critical error employers make is assuming remote workers are “placeless.” Under Department of Labor regulations (20 C.F.R. § 639.3(i)(6)), outstationed or remote workers are typically counted as part of the site:

1. To which they are assigned;
2. From which their work is assigned; or
3. To which they report.

This means if you have 40 employees at a Tulsa headquarters and 15 remote workers in varying states who report to Tulsa managers, a court may aggregate them into a single site of 55 employees. If you lay off that group without notice believing you were under the 50-employee threshold, you may have triggered a WARN violation. Courts across the country are divided on how to treat remote workers, but one thing remains certain: they are increasingly skeptical of employers attempting to fragment their workforce to evade WARN thresholds.

As an attorney who has litigated national remote worker WARN Act cases, I have seen firsthand how this technicality creates significant exposure to liability. Do not rely on pre-2020 RIF playbooks.

Before executing any [workforce reduction](#), it is critical that you speak with an attorney who specializes in remote-worker WARN Act cases to implement strategies that minimize risk.

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