



Office of the General Counsel



COVID-19 Legal Guidance for Supervisors Remote Work

As ISU navigates ongoing challenges presented by the COVID-19 pandemic, ISU employees may engage more often in part-time or full-time remote work. Remote work may be short-term because the employee was notified by ISU contact tracers or other public health officials of the need to quarantine or isolate. Remote work for those who are at increased risk for severe illness due to COVID-19 may also be approved by the [Office of Human Resources](#).

- Supervisors should ensure that staff who will engage in remote work have approval to do so by the Office of Human Resources. The employee and supervisor should follow all protocols established by HR for remote work, including those related to professionalism, communication, and security of ISU information.
- Supervisors should be aware that ISU is required by the Fair Labor Standards Act and Indiana law to pay employees for all hours worked, even if the work is not requested, if the supervisor knows or has reason to believe that the employee is working. Knowledge and approval of an employee's actual work hours is especially important for supervisors of non-exempt staff to ensure employees are only working the specific designated hours as set forth in the remote work agreement. Overtime should be authorized in advance by the ISU supervisor according to the guidelines set forth by the appropriate Cabinet member.
- Employees who are approved to work remotely should be reminded by supervisors that they are expected to perform their duties and meet work expectations as if the employee is working on campus. Please be mindful that Indiana law prohibits "ghost employment," which occurs when an ISU employee is paid but the employee was not actually performing ISU duties during the paid period. In other words, ISU employees should not submit time or be paid for those times when the employee is not performing work for ISU, and supervisors should not approve the submitted time if the employee was not performing work for ISU. Supervisors are encouraged to communicate frequently each day with employees who are performing remote work and to be diligent in approving timecards or submitting leave reports. Employees and supervisors both may be subject to criminal and civil penalties for violating Indiana law. *See Ind. Code 35-44.1-1-3.*
- Employees who are asked to quarantine or isolate because of COVID-19 may become ill and may not be able to perform ISU work remotely. These employees are most likely entitled to paid leave because of the Families First Coronavirus Response Act. Supervisors should encourage employees who are quarantined or isolated and become ill to contact the Office of Human Resources to discuss paid leave options.

- Supervisors should not take discriminatory, adverse employment action because an employee requests or is approved for remote work or other leave for COVID-19 reasons, including required quarantine or isolation periods.* If supervisors are concerned about an employee's general performance, the supervisor should contact the Office of Human Resources for advice on handling performance-related issues. Supervisors should also be aware of state and federal privacy laws that prohibit release of an employee's personal health information, including quarantine or isolation status. See [Faculty and Staff Guidance on Privacy and COVID-19](#).

Questions about this guidance should be directed to ISU-GeneralCounsel@indstate.edu.

For more information about COVID-19 Legal Resources, please visit the ISU Office of the General Counsel [website](#).