

E2SSB 5395 - H COMM AMD

By Committee on State Government & Tribal Relations

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that during the
4 COVID-19 pandemic, state employees have incurred personal expenses
5 and utilized their own resources serving the public. The state needs
6 to provide state employees the tools necessary to serve the public
7 while working from home.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.04
9 RCW to read as follows:

10 (1) When state employees are required to work from home or are
11 allowed to work from home, agencies may provide or purchase office
12 supplies, services, and other materials necessary for the employees
13 to effectively perform their work.

14 (2)(a) Subject to appropriation, a state agency may reimburse a
15 state employee for necessary additional expenditures incurred by the
16 employee within the employee's scope of employment and directly
17 related to services performed for the agency. As used in this
18 section, "necessary expenditures" includes, but is not limited to:

19 (i) Desks, computer stands, computers, computer supplies, and
20 chairs;

21 (ii) Upgraded internet service that is necessary for the
22 employees to do their jobs, which may include reimbursement to the
23 employees to support the increased costs of the service;

24 (iii) Equipment and services that assist employees with
25 disabilities or special needs to conduct their jobs remotely; and

26 (iv) Other items or services determined by the head of the
27 agency, based on guidance provided by the office of financial
28 management except as provided in subsection (6) of this section, to
29 be necessary for employees to perform their jobs.

30 (b) Following the process established by the agency, an employee
31 shall submit a request for a reimbursement of any necessary

1 additional expenditure with appropriate supporting documentation. An
2 agency may provide additional time for submitting requests for
3 reimbursement in a written expense reimbursement policy.

4 (c) An employee may be reimbursed for expenses incurred after
5 April 1, 2020.

6 (d) An employee may not request a payment to cover the cost of
7 purchasing equipment if the agency has made, or will make, the same
8 type of equipment available to the employee.

9 (3) Except as provided under subsection (6) of this section,
10 approval of purchases and reimbursements must be done within the
11 policies and procedures established by the office of financial
12 management.

13 (4) Use of materials and supplies when approved by the agency is
14 not considered use of state resources for private gain.

15 (5) For the purpose of this section, "agency" or "state agency"
16 means any branch, department, or unit of the state government,
17 however designated or constituted. It is intended that the provisions
18 of this section be followed uniformly.

19 (6) The director of the office of financial management shall
20 adopt necessary policies and procedures to implement this section,
21 including the percentage of time necessary for an employee working
22 from home to qualify for coverage, qualifying guidelines for employee
23 reimbursement, and establishment of thresholds for when equipment is
24 required to be returned to the agency when an employee returns full-
25 time to the office or leaves state service. Depreciation of items
26 over time must be considered in developing the policies and
27 procedures. Except for the legislative and judicial branches, all
28 state agencies must use the policies and procedures established by
29 the office of financial management. The legislative and judicial
30 branches are encouraged to use the policies and procedures
31 established by the office of financial management to create
32 uniformity in the application of this section across all of state
33 government.

34 NEW SECTION. **Sec. 3.** (1) During the COVID-19 emergency, state
35 employees may use state internet resources outside normal business
36 hours for social gatherings to enable them to maintain communication
37 and gather socially. Such activities may include, but not be limited
38 to, sharing ideas and tips for working remotely, lunch time
39 gatherings, guest speakers, and open microphone sessions. These

1 activities must be done at no expense to the state and will be
2 considered de minimis activities. Participation in such activities
3 will not result in the payment of overtime or accrual of compensatory
4 time.

5 (2) This section expires upon the termination of the state of
6 emergency under proclamation 20-05 and any subsequent state of
7 emergency issued pertaining to COVID-19 in accordance with RCW
8 43.06.210. The governor shall provide written notice of the
9 termination date of the state of emergency under proclamation 20-05
10 and any subsequent state of emergency issued pertaining to COVID-19
11 to affected parties, the chief clerk of the house of representatives,
12 the secretary of the senate, the office of the code reviser, and
13 others as deemed appropriate by the governor.

14 NEW SECTION. **Sec. 4.** (1) The office of financial management
15 must establish and chair a remote working environment work group to
16 review the issues related to working in a remote environment and
17 prepare a report with recommendations for law and policy in order to
18 more effectively allow state employees to work remotely.

19 (2) The work group must be composed of representatives of large,
20 medium, and small-sized agencies, and labor organizations. The work
21 group must include representatives of institutions of higher
22 education.

23 (3) The work group must review issues including, but not limited
24 to:

- 25 (a) Scheduling;
- 26 (b) The provision of equipment, supplies, and other services
27 needed to perform the duties of employment;
- 28 (c) Ways to cover additional expenses incurred by employees for
29 remote work;
- 30 (d) Ergonomic issues;
- 31 (e) Other potential areas of liability;
- 32 (f) Cybersecurity and privacy; and
- 33 (g) Ways to assist and facilitate state employees in their work.

34 (4) The work group must submit an initial report to the governor
35 and appropriate committees of the legislature by November 1, 2021,
36 and a final report by June 30, 2022.

37 (5) This section expires June 30, 2023."

38 Correct the title.

EFFECT: Makes reimbursements for necessary expenditures, as defined under the bill, for state employees working remotely subject to appropriation rather than authorizing an agency to provide for reimbursements within available resources.

Removes the authority for a state agency to provide a stipend to state employees for qualifying expenses related to working remotely.

Defines "state agency" as any branch, department, or unit of the state government.

Specifies that the legislative and judicial branches are encouraged, rather than required, to use the policies and procedures established by the office of financial management to create uniformity in the application of the act across all of state government.

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