Washington State
House of Representatives
Office of Program Research

BILL
ANALYSIS

Innovation, Technology & Economic Development Committee

HB 1744

Brief Description: Concerning state government processes to verify hours worked on computers for certain government contracts.

Sponsors: Representatives Hudgins and Appleton.

Brief Summary of Bill

- Provides that certain government contracts must require the use of software to verify remote work.

Hearing Date: 2/13/19

Staff: Yelena Baker (786-7301).

Background:

The Department of Enterprise Services (DES) provides a variety of support services to state agencies, including managing the procurement of goods and services by state agencies. The DES Director is responsible for the development and oversight of procurement policy and has adopted rules, policies, and guidelines governing the procurement, contracting, and contract management of goods and services by state agencies.

State law relating to the procurement of goods and services defines "services" to mean labor, work, analysis, or similar activities provided by a contractor to accomplish a specific scope of work.

In the private sector, as remote work or telework has become increasingly common, various employee monitoring software programs help employers supervise remote employees through features such as keystroke recording, time tracking, and screen capture.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

A contract for professional or technical services in excess of $100,000 must require a contractor to use software to verify that hours billed for contract work and performed on a computer are legitimate. The contract must specify that the contracting agency will not pay for the hours worked on a computer unless those hours are verified by verification software, which must perform certain functions, such as track total keystrokes and mouse events, take periodic screenshots, protect all data that is private and confidential, and permit the agency to provide immediate feedback to the contractor on work in progress.

Verification software must be procured by a contractor from an independent entity and at the contractor's expense.

Data collected by any verification software are considered accounting records belonging to the contractor. These records must be stored for seven years and provided to the contracting agency or state auditors upon request.

Appropriation: None.

Fiscal Note: Requested on February 7, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.