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**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5395**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Hunt, Dhingra, Hasegawa, Kuderer, Nguyen, Nobles, Randall, Saldaña, Wellman, and Wilson, C.)

AN ACT Relating to use of state resources during periods where state employees are required to work from home; adding a new section to chapter 41.04 RCW; creating new sections; providing an expiration date; and providing a contingent expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

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

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

(iv) Other items or services determined by the head of the agency, based on guidance provided by the office of financial management, to be necessary for employees to perform their jobs.

(b) Following the process established by the agency, an employee shall submit a request for a stipend or reimbursement of any necessary additional expenditure with appropriate supporting documentation. An agency may provide additional time for submitting requests for reimbursement in a written expense reimbursement policy.

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

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

(3) Approval of purchases, reimbursements, and stipends must be done within the policies and procedures established by the office of financial management.

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

(5) This section applies to all state agencies, boards, and commissions. It is intended that the provisions of this section be followed uniformly.

(6) The director of the office of financial management shall adopt necessary policies and procedures to implement this section, including the percentage of time necessary for an employee working from home to qualify for coverage, qualifying guidelines for employee reimbursement, and establishment of thresholds for when equipment is required to be returned to the agency when an employee returns full-time to the office or leaves state service. Depreciation of items over time must be considered in developing the policies and procedures.

NEW SECTION. **Sec.**  (1) During the COVID-19 emergency, state employees may use state internet resources outside normal business hours for social gatherings to enable them to maintain communication and gather socially. Such activities may include, but not be limited to, sharing ideas and tips for working remotely, lunch time gatherings, guest speakers, and open microphone sessions. These activities must be done at no expense to the state and will be considered de minimis activities. Participation in such activities will not result in the payment of overtime or accrual of compensatory time.

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

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

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

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

(a) Scheduling;

(b) The provision of equipment, supplies, and other services needed to perform the duties of employment;

(c) Ways to cover additional expenses incurred by employees for remote work;

(d) Ergonomic issues;

(e) Other potential areas of liability;

(f) Cybersecurity and privacy; and

(g) Ways to assist and facilitate state employees in their work.

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

(5) This section expires June 30, 2023.

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