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**SUBSTITUTE SENATE BILL 5395**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

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

READ FIRST TIME 02/15/21.

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

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

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

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

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

17 (2)(a) A state agency will reimburse a state employee for  
18 necessary additional expenditures incurred by the employee within the  
19 employee's scope of employment and directly related to services

1 performed for the agency. As used in this section, "necessary  
2 expenditures" includes, but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 3.**    (1) During the COVID-19 emergency, state  
2 employees may use state internet resources outside normal business  
3 hours for social gatherings to enable them to maintain communication  
4 and gather socially. Such activities may include, but not be limited  
5 to, sharing ideas and tips for working remotely, lunch time  
6 gatherings, guest speakers, and open microphone sessions. These  
7 activities must be done at no expense to the state and will be  
8 considered de minimis activities. Participation in such activities  
9 will not result in the payment of overtime or accrual of compensatory  
10 time.

11        (2) This section expires upon the termination of the state of  
12 emergency under proclamation 20-05 and any subsequent state of  
13 emergency issued pertaining to COVID-19 in accordance with RCW  
14 43.06.210. The governor shall provide written notice of the  
15 termination date of the state of emergency under proclamation 20-05  
16 and any subsequent state of emergency issued pertaining to COVID-19  
17 to affected parties, the chief clerk of the house of representatives,  
18 the secretary of the senate, the office of the code reviser, and  
19 others as deemed appropriate by the governor.

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

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

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

31        (a) Scheduling;

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

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

36        (d) Ergonomic issues;

37        (e) Other potential areas of liability; and

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

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

4           (5) This section expires June 30, 2023.

--- **END** ---