
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5395

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.)

READ FIRST TIME 02/22/21.

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) Within available resources, a state agency may reimburse a
18 state employee for necessary additional expenditures incurred by the
19 employee within the employee's scope of employment and directly

1 related to services performed for the agency. As used in this
2 section, "necessary 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, qualifying guidelines for employee
36 reimbursement, and establishment of thresholds for when equipment is
37 required to be returned to the agency when an employee returns full-
38 time to the office or leaves state service. Depreciation of items
39 over time must be considered in developing the policies and
40 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;

38 (f) Cybersecurity and privacy; and

39 (g) 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** ---