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**SENATE BILL 5485**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Shewmake, Randall, Lovick, Trudeau, Cleveland, Frame, Hasegawa, Hunt, Keiser, Liias, Lovelett, Nguyen, Nobles, Saldaña, Valdez, and C. Wilson

AN ACT Relating to public employee reimbursement for child and adult dependent care expenses; amending RCW 42.52.160, 43.03.050, and 42.24.090; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that access to child care and adult dependent care is critical for allowing parents and other caregivers to actively participate in the workforce, but finding and paying for such care can be a barrier to these employees being able to travel for work. The legislature has worked to reduce the costs of daily child care for families in Washington, but reimbursable expenses for work-related travel, such as plane tickets, mileage, lodging, and meals, often do not include care-related necessities, such as infant child care during the day for a parent attending a conference or additional evening care for a parent who spends a night away because of work-related travel. These barriers can make it expensive for parents and caretakers to travel for work, which can limit their promotion and advancement opportunities. Furthermore, the legislature finds that child care and other dependent care challenges are a barrier that disproportionately impacts women, which has the potential to further exacerbate existing wage gaps and limit upward economic mobility for women, particularly for women of color.

(2) The legislature finds that under current law, public employees may be reimbursed for child care and adult dependent care expenses incurred as a result of official travel for work purposes. However, the legislature also believes that it would be helpful to clarify the law to ensure that all government employers in Washington understand that such reimbursements are permissible and do not violate the ethics act.

**Sec.**  RCW 42.52.160 and 2022 c 37 s 2 are each amended to read as follows:

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties. It is not a violation of this section for a legislator or an appropriate legislative staff designee to engage in activities listed under RCW 42.52.070(2).

(3) This section does not prohibit de minimis use of state facilities to provide employees with information about (a) medical, surgical, and hospital care; (b) life insurance or accident and health disability insurance; or (c) individual retirement accounts, by any person, firm, or corporation administering such program as part of authorized payroll deductions pursuant to RCW 41.04.020.

(4) As used in this section, "private benefit or gain" does not include the payment of or reimbursement for reasonable and necessary travel and subsistence expenses, including child care or adult dependent care expenses, for elected and appointed officials and state employees while engaged on official business away from their designated posts of duty.

(5) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

**Sec.**  RCW 43.03.050 and 2022 c 245 s 5 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees. ((~~However, during the 2003-05 fiscal biennium, the allowances for any county that is part of a metropolitan statistical area, the largest city of which is in another state, shall equal the allowances prescribed for that larger city.~~)) As used in this subsection, "subsistence expenses" include expenses incurred for child care or adult dependent care that would not be necessary if the person was working from the person's designated post of duty.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless of travel status at a meeting where: (a) The purpose of the meeting is to conduct official state business or to provide formal training to state employees or state officials; (b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; (c) the meeting or training session takes place away from the employee's or official's regular workplace; and (d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances.

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting where: (a) The purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and (b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection.

(5) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary child and adult care expenses incurred by eligible members of a class one board, commission, council, committee, or similar group, who are authorized under RCW 43.03.220 to receive such allowances, while attending an official meeting or performing statutorily prescribed duties approved by the chairperson of the group.

(6) The schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

(7) No person designated as a member of a class one through class three or class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund, unless authorized under RCW 43.03.220 or granted an exception under RCW 43.03.049.

**Sec.**  RCW 42.24.090 and 1995 c 301 s 73 are each amended to read as follows:

(1)(a) No claim for reimbursement of any expenditures by officers or employees of any municipal corporation or political subdivision of the state for transportation, lodging, meals or any other purpose shall be allowed by any officer, employee or board charged with auditing accounts unless the same shall be presented in a detailed account((~~: PROVIDED, That, unless~~)), except as provided in this section.

(b) Unless otherwise authorized by law, the legislative body of any municipal corporation or political subdivision of the state may prescribe by ordinance or resolution the amounts to be paid officers or employees thereof as reimbursement for the use of their personal automobiles or other transportation equipment in connection with officially assigned duties and other travel for approved public purposes, or as reimbursement to such officers or employees in lieu of actual expenses incurred for lodging, meals or other purposes. The rates for such reimbursements may be computed on a mileage, hourly, per diem, monthly, or other basis as the respective legislative bodies shall determine to be proper in each instance((~~: PROVIDED, That in~~)).

(c) In lieu of such reimbursements, payments for the use of personal automobiles for official travel may be established if the legislative body determines that these payments would be less costly to the municipal corporation or political subdivision of the state than providing automobiles for official travel.

(2) Whenever an officer or employee is entitled to the payment of or reimbursement for travel expenses, the municipal corporation or political subdivision of the state may also provide reimbursement for reasonable and necessary expenses incurred for child care or adult dependent care that would not be necessary if the person was working from the person's designated post of duty.

(3) All claims authorized under this section shall be duly certified by the officer or employee submitting such claims on forms and in the manner prescribed by the state auditor.

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