



General Assembly

January Session, 2021

Substitute Bill No. 6536



**AN ACT REQUIRING EMPLOYERS TO PROVIDE EMPLOYEES
WORKING FROM HOME CERTAIN EQUIPMENT OR
REIMBURSEMENT FOR CERTAIN NECESSARY EXPENDITURES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section:

3 (1) "Employer" means any person engaged in business who has one
4 or more employees, including the state and any political subdivision of
5 the state;

6 (2) "Employee" means any person engaged in service to an employer
7 in the business of the employer;

8 (3) "Necessary expenditures" means all expenditures required of the
9 employee by the employer, in the discharge of employment duties that
10 inure to the primary benefit of the employer, including, but not limited
11 to, the cost of purchasing: (A) Equipment and technology, including, but
12 not limited to, computers, printers and cellular phones; (B) services,
13 including, but not limited to, internet provider services, mobile internet
14 access services and cellular telephone services; and (C) office supplies
15 such as paper, printer ink and toner. "Necessary expenditures" do not
16 include (i) expenses agreed to be borne by the employee prior to an
17 assignment to work from home; (ii) expenses or losses due to an

18 employee's own negligence or normal wear or theft, unless the theft was
19 a result of the employer's negligence; or (iii) expenses indirectly related
20 to the employee's scope of employment, such as costs related to
21 traveling to and from the employee's regular work location.

22 (b) An employer shall reimburse an employee for all necessary
23 expenditures incurred by the employee within the employee's scope of
24 employment and directly related to services performed for the
25 employer.

26 (c) The provisions of subsection (b) of this section shall not apply to
27 an employer who provides an employee with all equipment and
28 technology, services and office supplies necessary for the employee's
29 scope of employment and directly related to services performed for the
30 employer.

31 (d) An employer shall not be required to fully reimburse an employee
32 for necessary expenditures that are services that the employee
33 concurrently receives for his or her own personal use, except that an
34 employer shall reimburse an employee for not less than fifty per cent of
35 the cost of such services.

36 (e) An employee shall report to the employer any necessary
37 expenditures and provide appropriate supporting documentation not
38 later than thirty calendar days after incurring the expense, except that
39 an employer may provide additional time for submitting requests for
40 reimbursement in a written expense reimbursement policy. Where
41 supporting documentation is nonexistent, missing or lost, the employee
42 shall submit a signed statement regarding any such receipts. An
43 employer shall reimburse the employee for the necessary expenditure
44 no later than thirty calendar days after receiving such appropriate
45 supporting documentation or signed statement.

46 (f) An employer who has reimbursed an employee for purchasing a
47 necessary expenditure shall maintain ownership rights to the
48 equipment and technology, services or office supplies for which the

Statement of Legislative Commissioners:

In Subsec. (a)(3), "items such as" and "services such as" were deleted for consistency with standard drafting conventions; in Subsecs. (d) and (f), "provided" was changed to "except that" for accuracy; in Subsec. (i), "his or her" was changed to "the commissioner's" for consistency with standard drafting conventions; and throughout the bill, "employment-related supplies" was changed to "office supplies" for clarity and accuracy.

LAB *Joint Favorable Subst. -LCO*