

LEGAL ALERT



DRAFT ORDER

establishing the manner to grant the financial support and the categories of goods which can be purchased according to art. 6 par. (1) of Government Emergency Ordinance no. 132/2020 on the measures to support the employees and the employers in the context of the epidemic caused by the spread of SARS-CoV-2 coronavirus, as well as for stimulating the employment increase (the "Order")

CONTEXT

The Order was published on 25 August 2020 on the website of the Ministry of Labor and Social Protection, being subject to public debate until 3 September 2020.

SCOPE

The Order establishes the manner to grant the financial support and the categories of goods which can be purchased according to art. 6 par. (1) of Government Emergency Ordinance no. 132/2020 on the measures to support the employees and the employers in the context of the epidemic caused by the spread of SARS-CoV-2 coronavirus, as well as for stimulating the employment increase ("GEO 132/2020"), in order to perform telework.

Therefore, the Order regulates the procedure for the employer to settle the amount of RON 2,500 for each employee who performed telework for at least 15 working days during the state of emergency, in order to purchase

technological goods and services required for teleworking.

REGULATION

According to GEO 132/2020, for teleworking, the employers are provided only once with a financial support of RON 2,500 for each teleworker in order to purchase packages of technological goods and services required for teleworking.

A. GOODS AND SERVICES WHICH CAN BE PURCHASED

According to the Order, the following goods and services can be purchased for teleworking:

- (i) Laptop /notebook computers;
- (ii) Tablets;
- (iii) Smartphones;
- (iv) Entry and exit peripheral equipment for the goods provided under points (i), (ii) and (iii) above;

(v) Equipment required for Internet connection of the goods provided under points (i), (ii) and (iii) above;

(vi) Licenses for the operating systems and software applications related to the goods provided under points (i), (ii) and (iii) above.

Furthermore, the Order defines the technological services which can be purchased as all IT&C means which the employer is bound to provide to the teleworker.

B. PROCEDURE FOR OBTAINING THE FINANCIAL SUPPORT

In order to receive the amount of RON 2,500 for each employee, the employers shall electronically deliver to the competent employment agencies, the following documents:

a) a signed and dated application of the legal representative;

b) an affidavit given by the legal representative;

c) the list of teleworkers for whom this amount is requested to be granted.

Note: By means of the Order, the following template documents were drafted as Annexes:

- template application;
- template affidavit;
- template list of employees.

The executive managers of the county, respectively Bucharest employment agencies shall approve or, as the case may be, reject the employers' right to benefit from the amount subject matter of the Order.

The above-mentioned amounts shall be paid from the unemployment insurance budget by 31 December 2020, by wire transfer into the accounts opened by the employers with the credit institutions, within 10 days from registration of the complete documentation or from registration with the competent authorities of the written clarifications and/or additional documents requested (in case inaccuracies are identified in the documents provided, as well as in case the information in

the documents delivered is incomplete or it is not possible to determine the fulfillment of the legal conditions for granting this amount based on such information).

Within 30 days from receiving the amount, the employers have the obligation to provide the competent authorities, through electronic means, with the following supporting documents:

a) fiscal invoices issued by the providers of technological goods and services;

b) fiscal receipts or account statements attesting the payment of the invoices;

c) records of materials such as inventory items given to be used by teleworkers, prepared according to the template provided in annex no. 3 to Order of the Minister of Public Finance no. 2634/2015 on financial and accounting documents;

d) transfer forms for fixed assets given to be used by the employees, prepared according to the template provided in annex no. 3 to Order of the Minister of Public Finance no. 2634/2015 on financial and accounting documents;

e) account of the technological services provided by the employer to each teleworker.

In case of non-compliance with the obligation to deliver the supporting documents within 30 days from receiving the amount, the employers will have to repay the full amount received into the treasury account of the competent employment agencies within 30 days from expiry of the deadline to deliver the above-mentioned documents.

Please note that the Order has not been published yet in the Official Gazette. We will issue a new information notice as soon as the Order is published in the Official Gazette.



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