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## MONITORING OF EMPLOYEE COMMUNICATIONS

House Bill 5527

Sponsor: Rep. Chris Kolb

Committee: Employment Relations,  
Training and Safety

Complete to 2-14-02

### A SUMMARY OF HOUSE BILL 5527 AS INTRODUCED 12-13-01

House Bill 5527 would create a new act to prohibit employers from monitoring employee communications unless the employer established a monitoring policy, and disclosed that policy to employees.

More specifically and under the bill, an employer could not monitor the communications of an employee unless the employer established a communication monitoring policy in writing, and then disclosed that policy to each employee subject to monitoring. The policy would be required to do all of the following: a) specify the methods of monitoring that the employer would exercise; (b) specify the communication media that would be subject to monitoring; (c) specify the type of communications subject to monitoring; (d) identify the frequency at which monitoring would occur; and, (e) provide the employee whose communication would be monitored with advance written notice of the monitoring. Under the bill an employer would be required to comply with the policy, and if there were any violation of the act, then the employer would be liable to the employee for actual damages or \$5,000, whichever was greater, plus reasonable attorney fees.

The bill would define "monitor" to mean listening to, reading, or recording a communication between an employee and a person who is not the employer. Further, "employer" would be defined to mean a person who employs an individual for compensation or who supervises an individual providing labor as a volunteer. Finally, "employee" would be defined to mean an individual who as a volunteer or for compensation provides an employer with his or her labor.

Analyst: J. Hunault

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