

# HOUSE BILL No. 6480

September 14, 2006, Introduced by Reps. Kolb and Tobocman and referred to the Committee on Employment Relations, Training, and Safety.

A bill to prohibit certain employers from monitoring employee communications unless the employer establishes an employee monitoring policy and discloses that policy to employees; and to provide certain civil remedies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "employee communications monitoring act".

3           Sec. 2. As used in this act:

4           (a) "Employee" means an individual who as a volunteer or for  
5 compensation provides an employer with his or her labor.

6           (b) "Employer" means a person who employs an individual for  
7 compensation or who supervises an individual providing labor as a  
8 volunteer.

1 (c) "Monitor" means listen to, read, or record a communication  
2 between an employee and a person who is not the employer.

3 Sec. 3. (1) An employer shall not monitor the communications  
4 of an employee unless the employer establishes a communication  
5 monitoring policy that is in writing, is disclosed to and  
6 acknowledged in writing by each employee subject to monitoring, and  
7 does all of the following:

8 (a) Specifies the methods of monitoring that the employer will  
9 exercise.

10 (b) Specifies the communication media that are subject to  
11 monitoring.

12 (c) Specifies the types of communications that are subject to  
13 monitoring.

14 (d) Identifies the frequency at which monitoring will occur.

15 (e) Provides an employee whose communications are monitored  
16 with advance written notice of the monitoring.

17 (2) An employer shall provide each employee subject to a  
18 communications monitoring policy with notice of any changes to the  
19 policy. An employer shall provide notice under this subsection in  
20 writing to each employee subject to the policy and shall obtain  
21 written acknowledgment of the changes from each of those employees.

22 Sec. 4. (1) An employer shall comply with a communication  
23 monitoring policy that the employer establishes under this act.

24 (2) An employer shall not request or accept a waiver from an  
25 employee of any right that the employee has under any applicable  
26 state or federal law concerning monitoring.

27 Sec. 5. An employer who monitors an employee communication in

1 violation of this act is liable to that employee for actual damages  
2 or \$10,000.00, whichever is greater, and reasonable attorney fees.