

SENATE BILL No. 284

March 2, 2005, Introduced by Senator BRATER and referred to the Committee on
Commerce and Labor.

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. An employer shall not monitor the communications of an
4 employee unless the employer establishes a communication monitoring
5 policy that is in writing, is disclosed to and acknowledged in
6 writing by each employee subject to monitoring, and does all of the
7 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 (f) Provides each employee subject to the policy with notice
18 of adoption of the policy and any changes to the policy. An
19 employer shall provide notice under this subdivision in writing to
20 each employee subject to the policy and shall obtain written
21 acknowledgment of the policy or changes from each of those
22 employees.

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

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

1 Sec. 5. An employer who monitors an employee communication in
2 violation of this act is liable to that employee for actual damages
3 or \$5,000.00, whichever is greater, and reasonable attorney fees.