

SENATE BILL No. 675

September 16, 2003, Introduced by Senators BRATER, BASHAM, OLSHOVE, THOMAS, SCOTT, JACOBS, LELAND, SCHAUER, CLARK-COLEMAN and SWITALSKI 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.

9 (c) "Monitor" means listening to, reading, or recording a
10 communication between an employee and a person who is not the

1 employer.

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

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

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

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

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

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

16 (f) Provides each employee subject to the policy with notice
17 of adoption of the policy and any changes to the policy. An
18 employer shall provide notice under this subdivision in writing
19 to each employee subject to the policy and shall obtain written
20 acknowledgment of the policy or changes from each of those
21 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 rights that the employee has under any applicable
26 state or federal law concerning monitoring.

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

1 in violation of this act is liable to that employee for actual
2 damages or \$5,000.00, whichever is greater, plus reasonable
3 attorney fees.