

Committee amendment to LD 949, "An Act to Protect Workers from Employer Surveillance"

Amend the bill by striking out everything after the enacting clause and inserting the following:

SUBCHAPTER 1-D

EMPLOYER SURVEILLANCE

26 MRSA §620. Employer Surveillance

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employer" means any private or public employer, including the State and political subdivisions of the State.

B. "Employer surveillance" means the monitoring of an employee by an employer through the use of an electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems. "Employer surveillance" does not include the use by employers of surveillance cameras for security purposes or the use of GPS tracking on vehicles owned by the employer but operated by the employee.

2. Employer surveillance. An employer may not use employer surveillance unless the employer notifies the employee before beginning the use of employer surveillance.

3. Audiovisual monitoring restrictions. An employer may not use audiovisual monitoring in an employee's residence or personal vehicle or on the employee's property as a means of employer surveillance.

4. Employee personal devices. An employee may decline a request by an employer to install data collection or transmission applications on an employee's personal electronic devices for the purposes of employer surveillance.

5. Notice to prospective employee. An employer using employer surveillance shall inform a prospective employee during the employment interview process that the employer engages in employer surveillance.

6. Private right of action. A person aggrieved by a violation of this section has a private right of action for injunctive relief and recovery of civil penalties and attorney's fees.

7. Rulemaking. The Department of Labor shall adopt rule to implement this subchapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This amendment replaces the bill. This amendment specifies that an employer may use employer surveillance if the employer informs the employee before beginning employer surveillance. It prohibits an employer from using audiovisual monitoring in an employee's residence or personal vehicle or on the employee's property and states that an employee can decline a request by an employer to install data collection or transmission applications on an employee's personal electronic devices for the purposes of employer surveillance. It also requires that an employer notify a prospective employee during the interview process that the employer engages in employer surveillance. It adds rulemaking authority for the Department of Labor.