



Legislation Details (With Text)

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Int. No. 2319

By Council Members Brannan and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to requiring notice of electronic monitoring of employees

Be it enacted by the Council as follows:

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11

ELECTRONIC MONITORING OF EMPLOYEES

§ 20-1101 Definitions. For purposes of this chapter, the following terms have the following meanings:

Electronic monitoring. The term “electronic monitoring” means the collection of information concerning employee activities or communications through the use of an electronic device or system, including but not limited to, a computer, computer software or program, telephone, wire, radio, camera, or

electromagnetic, photoelectronic or photo-optical system.

Employee. The term “employee” means any individual employed for hire within the city by an employer in any occupation.

Employer. The term “employer” means any person or entity covered by the definition of “employer” set forth in subdivision 6 of section 651 of the labor law.

§ 20-1102 Notice of electronic monitoring of employees. a. Any employer who engages in any form of electronic monitoring shall provide written notice to each employee who may be subject to electronic monitoring. Such notice shall include, at a minimum, the following:

1. All forms and methods of electronic monitoring that the employee may be subject to; and
2. The types of information obtained by each form or method of electronic monitoring.

b. The notice required by subdivision a of this section shall be provided to each employee who may be subject to electronic monitoring either in writing or through electronic means and shall be acknowledged by each employee either in writing or electronically.

c. The notice required by subdivision a of this section shall be provided to each employee who may be subject to electronic monitoring upon hiring. For employees who were already employed prior to the effective date of the local law that added this chapter, such notice shall be provided within 30 days of the effective date of the local law that added this chapter.

d. Each employer who is subject to the requirements of subdivision a of this section shall post the notice required by subdivision a of this section in a conspicuous place at the workplace that is readily accessible and visible to all employees who may be subject to electronic monitoring.

e. The provisions of this section do not apply with respect to law enforcement investigations.

§ 20-1103 Rules. The commissioner shall promulgate such rules as are necessary to carry out the provisions of this chapter, including but not limited to, rules related to the form and manner of the notice of workplace monitoring required by section 20-1102.

§ 20-1104 Penalties. Any employer that violates any provision of this chapter or any rule promulgated pursuant to this chapter is subject to a civil penalty of \$500 for the first offense, and for subsequent violations that occur within two years of any previous violation of this chapter, a civil penalty up to \$1,000 for the second violation and up to \$3,000 for each succeeding violation. A proceeding to recover any civil penalty authorized pursuant to this chapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of consumer and worker protection shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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