

# HOUSE BILL NO. 4456

May 06, 2025, Introduced by Reps. Byrnes, Glanville, Brixie, Andrews, Weiss, Martus, Rheingans, Hope, Rogers, Xiong, Tsernoglou, MacDonell, B. Carter, Foreman, Steckloff, Conlin, Young, Mentzer, Wegela, Pohutsky, McKinney, Arbit, Longjohn, Dievendorf, Myers-Phillips, Wilson, McFall, Price, T. Carter, Breen, Wooden and Tate and referred to Committee on Economic Competitiveness.

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 remedies.

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

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

3       Sec. 2. As used in this act:

4       (a) "Employee" means an individual who as a volunteer or for

1 compensation provides an employer with the individual's labor.

2 (b) "Employer" means a person that employs an individual for  
3 compensation or that supervises an individual providing labor as a  
4 volunteer.

5 (c) "Monitor" means listening to, reading, or recording a  
6 communication between an employee and a person that is not the  
7 employer.

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

13 (a) Specifies the methods of monitoring that the employer will  
14 exercise.

15 (b) Specifies the communication media that are subject to  
16 monitoring.

17 (c) Specifies the types of communications that are subject to  
18 monitoring.

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

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

22 (f) Provides each employee subject to the policy with notice  
23 of adoption of the policy and any changes to the policy. An  
24 employer shall provide notice under this subdivision in writing to  
25 each employee subject to the policy and shall obtain written  
26 acknowledgment of the policy or changes from each of those  
27 employees.

28 (g) Applies only to electronic devices or communication  
29 devices that are the property of the employer.

1       Sec. 4. This act does not allow an employer to monitor  
2 electronic devices or communication devices that are the personal  
3 property of an employee of the employer.

4       Sec. 5. (1) An employer shall comply with a communication  
5 monitoring policy that the employer establishes under this act.

6       (2) An employer shall not request or accept a waiver from an  
7 employee of any rights that the employee has under any applicable  
8 state or federal law concerning monitoring.

9       Sec. 6. An employer that violates this act is liable to the  
10 affected employee for actual damages or \$5,000.00, whichever is  
11 greater, plus reasonable attorney fees.

12       Sec. 7. This act applies to a collective bargaining agreement  
13 or employment agreement that is executed, extended, or renewed on  
14 or after the effective date of this act.