

ELECTRONIC MONITORING

There are several information technology devices in use in the CSUS. These devices are the property of the State of Connecticut and use thereof by the user is restricted to the performance of official State business or activities approved through the collective bargaining process. Information related to usage and utilization of these devices and the overall CSUS technological environment is constantly being collected.

The CSUS Information Technology infrastructure includes a telephone system, a communications network, Internet access, computer servers, and computer workstations. Information related to the usage of this infrastructure is collected and logged. All users of these devices are hereby advised and notified that these devices produce data and reports related to information stored, sent, and retrieved for the purposes of recording usage and utilization. While system personnel do not review the contents of this material except when necessary in the course of the discharge of official duties and as permitted by law, each user should know and is hereby notified that all such information is subject to subpoena, discovery, the Connecticut Freedom of Information Act and such other disclosure processes as may be authorized by law.

This notice is issued pursuant to the provisions of Public Act 98-142.

Substitute House Bill No. 5398

PUBLIC ACT NO. 98-142

AN ACT REQUIRING NOTICE TO EMPLOYEES OF ELECTRONIC MONITORING BY EMPLOYERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

(NEW) (a) As used in this section:

(1) "Employer" means any person, firm or corporation, including the State and any political subdivision of the State which has employees;

(2) "Employee" means any person who performs services for an employer in a business of the employer, if the employer has the right to control and direct the person as to (A) the result to be accomplished by the services, and (B) the details and means by which such result is accomplished;

(3) "Electronic monitoring" means the collection of information on an employer's premises concerning employees' activities or communications by any means other than direct observation, including the use of a computer, telephone, wire, radio, camera, electromagnetic, photo electronic or photo-optical systems, but not including the collection of information (A) for security purposes in common areas of the employer's premises which are held out for use by the public, or (B) which is prohibited under State or Federal law.

(b) (1) Except as provided in subdivision (2) of this subsection, each employer who engages in any type of electronic monitoring shall give prior written notice to all employees who may be affected, informing them of the types of monitoring

which may occur. Each employer shall post, in a conspicuous place which is readily available for viewing by its employees, a notice concerning the types of electronic monitoring which the employer may engage in. Such posting shall constitute such prior written notice.

(2) When (A) an employer has reasonable grounds to believe that employees are engaged in conduct which (i) violates the law, (ii) violates the legal rights of the employer or the employer's employees, or (iii) creates a hostile workplace environment, and (B) electronic monitoring may produce evidence of this misconduct, the employer may conduct monitoring without giving prior written notice.

(c) The Labor Commissioner may levy a civil penalty against any person that the commissioner finds to be in violation of subsection (b) of this section, after a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, of the general statutes. The maximum civil penalty shall be five hundred dollars for the first offense, one thousand dollars for the second offense and three thousand dollars for the third and each subsequent offense.

(d) The provisions of this section shall not apply to a criminal investigation. Any information obtained in the course of a criminal investigation through the use of electronic monitoring may be used in a disciplinary proceeding against an employee.