STATE OF NEW YORK

108

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to prohibiting employers from certain monitoring activities of employees working at home

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The labor law is amended by adding a new section 202-n to read as follows:

§ 202-n. Protection of employees from certain electronic monitoring. 1. No employer shall download, install, or require or request an employee to download or install, any program which monitors the activities of such employee while such employee is working on a personal electronic device. As used in this section "monitor" includes, but is not limited to, tracking of mouse movements, keyboard strokes, website browsing history, location data, video recording of screens or access to cameras for the purpose of tracking productivity and/or monitoring employees remotely.

2. No employer shall utilize any program which monitors the activities of an employee while such employee is working from home on an employer provided electronic device, provided however, that an employer may monitor the website browsing history of such employee on such employer provided electronic device.

3. No employer shall require an employee to leave a camera connected to or part of, an electronic device on while such employee is working from home.

4. The commissioner may promulgate regulations as he or she deems necessary for the purposes of carrying out the provisions of this section.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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5. Nothing in this section shall preclude an employer from requiring an employee to utilize a video communication program for work-related activities.

§ 2. This act shall take effect immediately.