

## THERE ARE NO SECRETS

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*Employment Law Reporter*, Ervin Cohen & Jessup LLP

California Governor Gray Davis recently vetoed a bill which would have required employers to notify workers if their e-mail, electronic files or Internet usage were being monitored or watched. Governor Davis explained that employers have a legitimate need to monitor company computers to ensure that they are being used for business purposes.

The veto has been sharply criticized. Those in support of the bill (SB 1015) argue that a warning that employee computers will be monitored would likely deter employees from misusing company equipment and would disabuse employees of any unrealistic expectation of privacy. Opponents of the bill claim that the legislation would be burdensome because it would require employers to obtain written policy acknowledgments from every employee. Governor Davis concurred, stating that the bill was both "unnecessary" and "a trap for the unwary" employer.

SB 1016 was the first bill of its kind in the United States. Given the popularity of its subject matter —that of protecting the privacy rights of individuals — employers should expect a revised version to become law in the near future. Forward-thinking employers should avoid any complications which might be caused by future legislation by informing employees through a personnel handbook or policy manual that computers and other work areas may be monitored. In addition, e-mail systems should be programmed to warn users that e-mail is intended for business purposes only.

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