

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 4 - 0 - 1

Yeas: Baertschiger, Monnes Anderson, Prozanski, Shields

Nays: 0

Exc.: George

Prepared By: Channa Newell, Administrator

Meeting Dates: 5/1, 5/3, 5/8

WHAT THE MEASURE DOES: Creates unlawful employment practice if employer requires or requests access to employee or applicant's personal social media account, or compels addition of employer to employee's list of contacts associated with social media site. Prohibits employer from retaliating based on employee or applicant's refusal to disclose or provide access to such accounts. Specifies employer is not prohibited from conducting investigations, which may include sharing content of accounts, but may not compel disclosure of passwords or authentications in course of investigation. Specifies employer is not prohibited from accessing information available to public. Defines "social media."

ISSUES DISCUSSED:

- 23 states proposing similar legislation
- Intention to protect privacy of workers
- Instances when investigations may require access to personal social media content
- Use of background checks in law enforcement hiring procedures
- Liability of employer for failing to conduct investigations

EFFECT OF COMMITTEE AMENDMENT: Prohibits employer from compelling employee or applicant to access social media content in presence of employer and in manner that enables employer to view personal contents.

BACKGROUND: National media sources have reported instances in which employers have pressured employees or job applicants to provide access to their social media accounts or to add the employer to social media contacts as a condition of employment. Employees and applicants may fear retribution if they do not comply with the request. Critics claim this is akin to letting an employer look through a personal diary, scrapbook, address book, and calendar. In 2012, six states enacted legislation that prohibits requesting or requiring employees, students or applicants to disclose user names or passwords to personal social media accounts. The Senate passed Senate Bill 344-A in April 2013, which prohibits educational institutions from requiring access to personal social media accounts from students and prospective students.

House Bill 2654-A prohibits employers from requiring employees and applicants to provide access to personal social media accounts and prohibits retaliation based on refusal to disclose such information. The measure allows employers to conduct investigations and does not prohibit accessing publically available information.

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This summary has not been adopted or officially endorsed by action of the committee.