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WILENTZ, GOLDMAN & SPITZER, P.A.

New York Employers: Are You Compliant with the Electronic Monitoring Law?

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Effective May 7, 2022, New York passed a law requiring employers to give employees notice regarding electronic monitoring. Employers who electronically monitor employees' telephone calls, emails, or internet use must provide employees with written notice upon hiring them that they are subject to such monitoring. A notice can be sent in electronic form, but it must be acknowledged electronically or in writing by the employee.

Additionally, employers must post the notice in a conspicuous place where it is readily available for employees to read. It should specifically advise employees that any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems may be subject to monitoring at any and all times and by any lawful means.

Takeaway: Employers in New York should ensure to have the proper notice in place if they monitor employees electronically. Employers with questions about electronic monitoring and proper notices can contact Tracy Armstrong or another member of the Wilentz [Employment Law](#) Team.

Attorney

- Tracy Armstrong

Practice

- Employment Law