

HOUSE AMENDMENTS TO HOUSE BILL 2654

By COMMITTEE ON BUSINESS AND LABOR

April 11

1 On page 1 of the printed bill, line 6, delete “Require, request, suggest or cause” and insert
2 “Require or request”.

3 In line 7, after “applicant’s” delete the rest of the line and insert “user name and password,
4 password or other means of authentication that provides access”.

5 In line 14, delete “or password” and insert “and password, password or other means of
6 authentication that is”.

7 In line 17, delete “or password” and insert “and password, password or other means of
8 authentication that is”.

9 In line 20, after “name” insert “and password”.

10 In line 21, after “accessing” delete the rest of the line and line 22 and insert “an account pro-
11 vided by, or on behalf of, the employer or to be used on behalf of the employer.

12 “(3) An employer may not be held liable for the failure to request or require an employee or
13 applicant to disclose the information specified in subsection (1)(a) of this section.

14 “(4) Nothing in this section prevents an employer from:

15 “(a) Conducting an investigation, without requiring an employee to provide a user name and
16 password, password or other means of authentication that provides access to a personal social media
17 account of the employee, for the purpose of ensuring compliance with applicable laws, regulatory
18 requirements or prohibitions against work-related employee misconduct based on receipt by the
19 employer of specific information about activity of the employee on a personal online account or
20 service.

21 “(b) Conducting an investigation permitted under this subsection that requires an employee,
22 without providing a user name and password, password or other means of authentication that pro-
23 vides access to a personal social media account of the employee, to share content that has been
24 reported to the employer that is necessary for the employer to make a factual determination about
25 the matter.

26 “(c) Complying with state and federal laws, rules and regulations and the rules of self-regulatory
27 organizations.

28 “(5) Nothing in this section prohibits an employer from accessing information available to the
29 public about the employee or applicant that is accessible through an online account.

30 “(6) If an employer inadvertently receives the user name and password, password or other means
31 of authentication that provides access to a personal social media account of an employee through
32 the use of an electronic device or program that monitors usage of the employer’s network or
33 employer-provided devices, the employer is not liable for having the information but may not use the
34 information to access the personal social media account of the employee.”.

35 In line 23, delete “(3)” and insert “(7)”.

- 1 Delete line 27.
 - 2 Delete pages 2 and 3.
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