

CS FOR HOUSE BILL NO. 319(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/1/98
Referred: Rules

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an employee's expectation of privacy in employer premises."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 23.10 is amended by adding a new section to article 7 to read:

4 **Sec. 23.10.450. No employee expectation of privacy in employment site.**

5 (a) In the absence of a specific written agreement to the contrary, between an
6 employer and an employee of the employer, an employee has no expectation of privacy
7 with respect to business premises, business equipment, and services supplied by the
8 employer, and an employer may have reasonable access to business premises, business
9 equipment, and services supplied by the employer to the employee. In the absence of
10 a written agreement permitting the employee to limit the employer's access to business
11 premises, business equipment, and services, an employee may not hinder or obstruct
12 the employer from access to the employer's business premises, business equipment,
13 and services, including information stored on a computer or computer network or other
14 service supplied by the employer.

15 (b) This section does not waive an employee's expectation of privacy with

1 respect to

2 (1) a personal telephone call;

3 (2) personal, oral conversation when a reasonable expectation of
4 privacy exists;

5 (3) premises or equipment, including a computer and computer
6 information, owned by the employee but used in the employee's employment for the
7 employer even if the equipment is connected to the employer's equipment or service
8 for the equipment is supplied by the employer.

9 (c) In this section,

10 (1) "elected official" means the governor, the lieutenant governor, a
11 member of the legislature, a justice or judge, or a person elected to municipal office;

12 (2) "employee"

13 (A) means a person employed by an employer and includes

14 (i) a permanent, seasonal, probationary, or temporary
15 employee whether employed full-time or part-time;

16 (ii) an independent contractor and an employee of an
17 independent contractor retained by the employer;

18 (B) does not include an elected official;

19 (3) "employer" means a person who has one or more employees and
20 includes the state, the University of Alaska, the Alaska Railroad, and political
21 subdivisions and public corporations of the state.