



PENNSYLVANIA

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**Testimony on House Bill 1298, Printer's #1553
Before the House Judiciary Committee
On behalf of the Pennsylvania Retailers' Association**

**Wednesday, July 1, 2009
Room 205, Ryan Office Building
Harrisburg, PA**

Good morning Chairman Caltagirone, Chairman Marsico and members of the House Judiciary Committee. My name is Brian Rider and I thank you for the opportunity this morning to submit some brief remarks concerning House Bill 1298, printer's number 155. My comments this morning are on behalf of the Pennsylvania Retailers' Association, the statewide trade association representing retailers throughout the Commonwealth.

We appreciate Representative Cohen's attempt to balance employees' privacy rights with employers' company resources; however, House Bill 1298 (HB 1298) as drafted, presents several concerns for our member stores operating in the Commonwealth.

Currently, many employers already provide notification to employees that their company owned email may or will be monitored via their employee handbooks and/or other documents that do not and should not require a signature from the employee(s). Employers have the right to monitor company owned email that is being utilized by their employees and should not have to obtain written permission and/or a signature authorizing them to do so or in an effort to protect employees' privacy. Quite frankly Mr. Chairman, if an employee is using his or her employers email for personal reasons, that employer should be entitled to have access to those correspondence due to the fact that they "own" these email communications.

Mandating that employers obtain and maintain written and/or electronic permission for employees is costly, burdensome and creates unnecessary tracking requirements. We also feel that it is unrealistic to allow employees to bring a civil action against employers when employees are in fact using their employer owned email systems. What if the employee's actions provide significant harm to the employer or others? There is no notice necessary in this case.

Again Mr. Chairman, thank you for the opportunity to presents our concerns with HB 1298 to the members of the House Judiciary Committee this morning. Although I am far from an expert in human resource issues, I am happy to try to answer any questions the committee may have.