



Labor and Employment Law Seminar

**2026
LAS VEGAS**

SAFETY, CYBER, PRIVACY, AND REGULATED WORKPLACES: WATCHING THE WORKFORCE CAMERAS, GPS, BIOMETRICS, AI, AND EMPLOYEE PRIVACY



Presented by

**RICH
MENEGBELLO**



**SAFETY, CYBER, PRIVACY, AND REGULATED
WORKPLACES:**

**WATCHING THE
WORKFORCE
CAMERAS, GPS,
BIOMETRICS, AI, AND
EMPLOYEE PRIVACY**

Which do you use?

- ☐ Cameras
- ☐ GPS or other telematics
- ☐ Biometric timeclocks
- ☐ AI productivity software
- ☐ Wellness apps
- ☐ BYOD

5 Questions Before You Switch Anything On

Why do we need it?

What does it collect?

Who have we told about it?

Who sees the data?

How long do we keep it?



Nevada Legal Map

Labor and Employment Law Seminar

2026 LAS VEGAS

Nevada Surveillance Scorecard

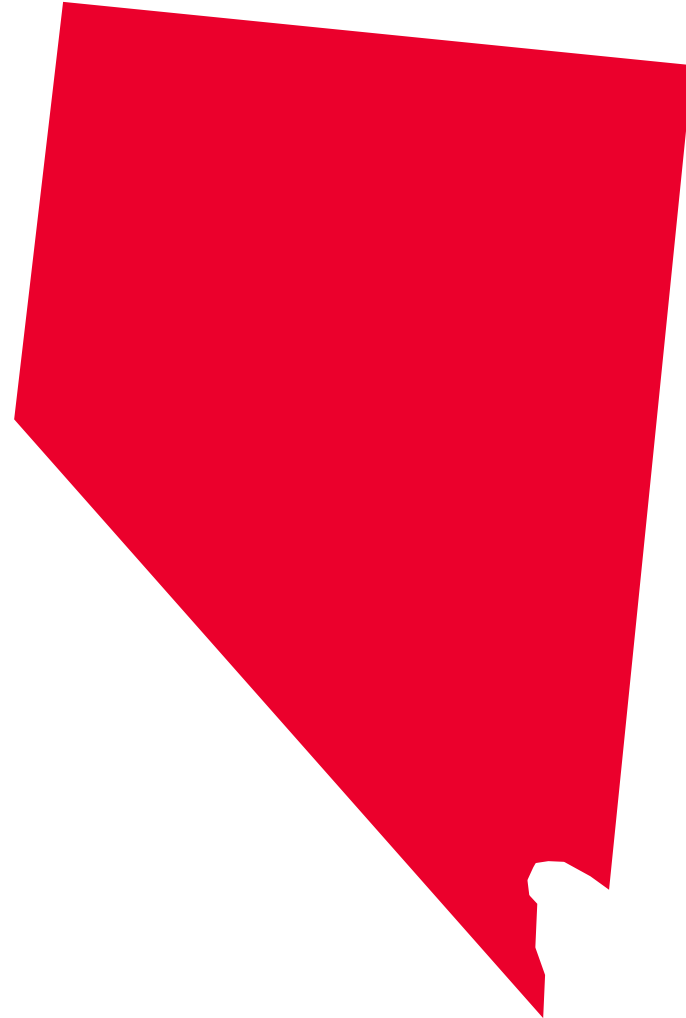


No general employee monitoring statute

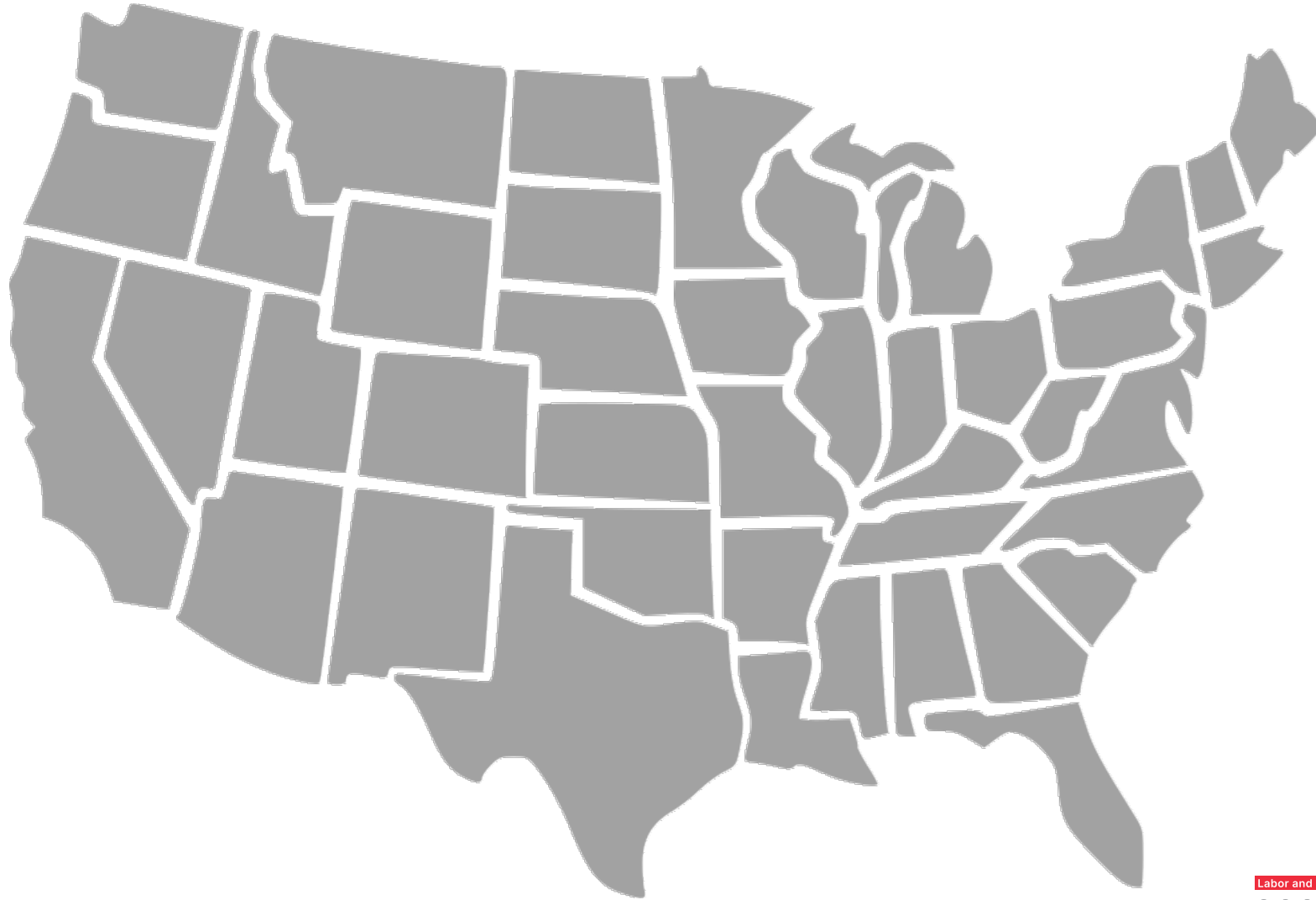


Patchwork of various state laws

- 2-party consent on phone calls
- 1-party consent on in-person talks
- Lawful off-duty conduct
- Social media passwords
- Gaming surveillance requirements



Federal Legal Map



Labor and Employment Law Seminar

2026 LAS VEGAS

Federal Surveillance Scorecard



Electronic Communications Privacy Act prohibits interception



Allows businesses to monitor their own systems

- NLRA regulates you surveilling protected activity
- ADA regulates medical inquiries and info
- GINA bars you from requesting genetic info

CAMERAS



Where Cameras Belong (and Don't)

GENERALLY SAFE

- Entrances and exits
- Cash handling areas
- Stockrooms & loading docks
- Parking lots
- Gaming floor and the cage

DANGER ZONE

- Restrooms and lactation areas
- Locker and changing rooms
- Break rooms (NLRA risk)
- Hidden cameras
- Managers' personal phones

When the Regulator Requires It

GAMING

Regulation 5.160

Written surveillance system plan identifying every monitored area and camera placement

CANNABIS

NRS 678B.510

Video monitoring of the interior and exterior, with footage stored and available to regulators

Quick Poll

**Your new cameras record audio by default.
Is that a problem in Nevada?**

- A** No. Nevada is a one-party consent state.
- B** Only if someone actually listens to it.
- C** Yes. Turn the audio off.

Answer: C - Turn the Audio Off

PHONE CALLS

**All parties
must consent**

IN-PERSON

**One party
must consent**

YOUR CAMERA

**Not a party to
the
conversation**

Unlawful recording is a category D felony, and it can support a civil suit.

Learn and Employment Law Seminar

2026 LAS VEGAS

Camera Takeaways

- 1 Post signs and adopt a written policy
- 2 Set a retention schedule
- 3 Limit and log who views footage
- 4 Preserve footage when a claim is coming

TREND WATCH

California's AB 1331, signed Sept. 30, bans workplace surveillance tools in bathrooms.

GPS TRACKING



Labor and Employment Law Seminar

2026 LAS VEGAS

The GPS Risk Spectrum

**Company
vehicle, on
duty**

Clear business
purpose

**Take-home
vehicle**

Who turns it off
at 6 p.m.?

**App on a
personal
phone**

Their phone,
their life

**Off-duty
tracking**

Knowledge you
don't want

LOWER RISK

HIGHER RISK

Labor and Employment Law Seminar

2026 LAS VEGAS

The 24/7 Tracking Lesson

ARIAS v. INTERMIX (2015)

A California sales rep said her employer required a GPS app on her phone that tracked her around the clock.

She uninstalled it. She claims she was fired weeks later.



**Every tracking tool
needs an off switch**

Your GPS Data Is a Time Clock

WAGE AND HOUR

- Shows work during auto-deducted meal breaks
- Captures pre-shift travel and waiting time
- Nevada daily overtime after 8 hours for many workers

OFF-DUTY KNOWLEDGE

- Logs visits to bars, casinos, dispensaries, and more
- NRS 613.333 protects lawful off-duty product use
- What you know can look like your motive

GPS Takeaways

- 1 Track on duty only
- 2 Geofence to shift times
- 3 Reconcile GPS data with payroll
- 4 Give written notice and get a signed acknowledgment

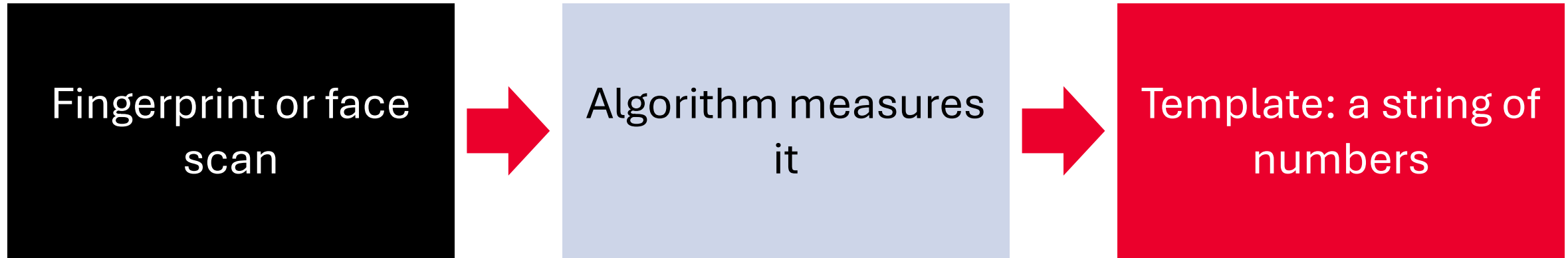
BIOMETRIC TIMECLOCKS



Labor and Employment Law Seminar

2026 LAS VEGAS

What the Timeclock Actually Stores



THE UPSIDE

Ends buddy punching and timecard disputes

THE CATCH

The template is still regulated biometric data

Vendor Risk Checklist

☐

Who holds the template?

☐

Is data deleted when employees leave?

☐

Where is it stored?

☐

Who indemnifies whom?

☐

What are the breach notice terms?

☐

Which subprocessors touch it?

Notice Practices That Work

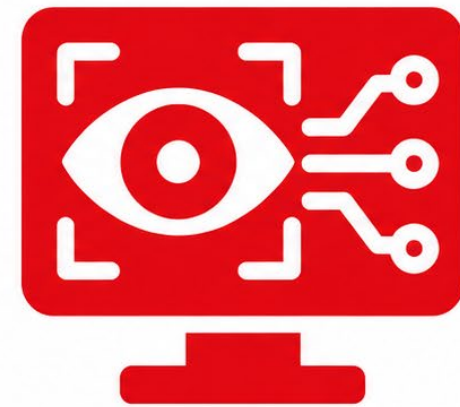
Written notice: what you collect, why, and for how long

Written consent before enrollment

A published retention and destruction schedule

A non-biometric alternative for objectors

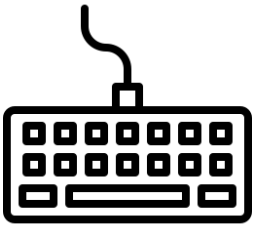
AI MONITORING



Labor and Employment Law Seminar

2026 LAS VEGAS

What AI Actually Does



**Keystroke
Logging**



**Screen
Shots**



**Idle
Timers**



**Productivity
Scores**



**Sentiment
analysis**

Three Risks

ACCURACY

Activity isn't productivity. Breaks flagged as "idle" could create wage and hour and ADA problems.

BIAS

Scores can screen out by age, disability, race, or sex, even with no intent.

MESSAGE REVIEW

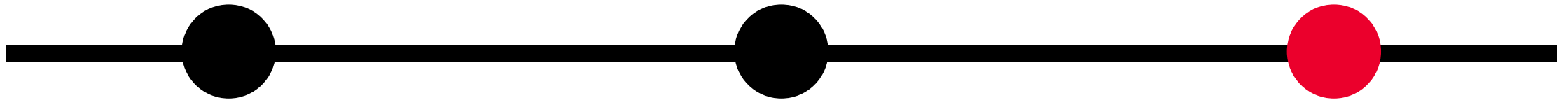
Wiretap rules, protected Section 7 talk, and employees' emails to their own lawyers.

The Regulatory Wave

JAN. 1, 2027

JULY 1, 2027

2027 SESSION



California AB 1883 takes effect.

Bans emotion-reading and neural data tools.

No Robo Bosses Act takes effect in California.

Human review before AI-driven discipline or firing.

Nevada Legislature returns.
A broad AI bill (SB 199) died in committee in 2025 but stay tuned for 2027.

AI Monitoring Takeaways

- 1 Keep a human in the loop
- 2 Validate what the score really measures
- 3 Audit results for bias
- 4 Tell employees what's monitored and why

MEDICAL AND HEALTH DATA



Doctor's Notes: Ask for Less

ASK FOR

- Dates of absence
- Work restrictions
- Expected return date

DON'T ASK FOR

- Diagnosis
- Medications
- Family medical history

Keep medical information in a separate, confidential file, never the personnel

Wellness Apps and Health Data

MYTH

Nevada's consumer health data law covers our HR files.

FACT

It excludes people acting in an employment context.

BUT

Your vendor's consumer app may be covered, and the law bars geofencing within 1,750 feet of medical facilities.

Health Data Takeaways

1

Collect the minimum

2

Use aggregated wellness data only

3

Read your vendor's data terms

4

Know when HIPAA applies (usually the plan, not you)

BYOD



Where BYOD Goes Wrong

1

Company data on personal phones

2

A remote wipe takes the family photos

3

After-hours texts are paid time for non-exempt staff

4

Business use triggers reimbursement

5

Litigation holds reach personal devices

6

Nevada bars demanding personal account access

BYOD Takeaways

- 1 Containerize work apps
- 2 Sign a written BYOD agreement
- 3 Wipe the container only
- 4 Pay a stipend
- 5 Run a clean exit protocol

NLRA ISSUES



Surveillance and Section 7

WHAT CHANGED

- NLRB GC memo on electronic monitoring rescinded (Feb. 2025)
- GC now urging the Board to overturn strict standards

WHAT DIDN'T

- Surveilling protected activity is still unlawful
- So is creating the impression of surveillance
- Union shops must bargain before installing cameras

Applies to non-union workplaces too.

The NLRA Rules of the Road

Don't watch the organizing.

Don't look like you're watching.

Bargain before you install.



**RICH
MENEGHELLO**



Questions?



Labor and Employment Law Seminar

2026 LAS VEGAS



Thank you.