The Fine Line of Monitoring Workers via GPS

Publication
6.04.15

Rich Meneghello's article "The Fine Line of Monitoring Workers via GPS" was featured in *DJC Oregon* on June 4, 2015.

A California woman filed a lawsuit claiming she was fired illegally after she objected to her employer forcing her to install a GPS tracking application on her phone that monitored her movements 24 hours a day, 7 days a week. This lawsuit contains warnings that may help employers stay out of legal hot water.

Myrna Arias' lawsuit is fairly straightforward. She claims that she began working for Intermix Wire Transfer in Bakersfield, California, in February 2014. She says she was lured away from her previous job by Intermix executives because they were familiar with her high quality work.

In the article, Rich examines some of the basic lessons that employers can learn from the lawsuit.

First and foremost, if a company is considering tracking employee movements via GPS (or even installing software or apps that allow for GPS monitoring), be aware of state law. Arias is right - California law prohibits such tracking in certain circumstances, and a few other states require employers to notify employees in advance if they are being tracked. That being said, the general rule across the country is that tracking employees via GPS is a legally-acceptable practice, as long as it is done for a legitimate reason and with a reasonable scope.

Further, and perhaps more importantly, if an employer tracks and stores the personal activity of its employees, it will find itself with a whole host of personal data it might not want to have. The employer might learn where an employee spends his off-hours, where she goes to church, what kind of medical clinic he visits, whether she visits a union organizing office, and the kinds of private proclivities he may have.

As technology makes such tracking increasingly easier, this will certainly not be the last lawsuit filed making similar claims. By following these lessons, hopefully companies will not find themselves on the receiving end of the next lawsuit.

To read the full article, please visit *DJC Oregon*.

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This article was picked up by *Idaho Business Review* on June 17, 2015.

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