

House Engrossed Senate Bill

~~PSPRS; social security; technical correction~~  
(now: government employees; online use)

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

# SENATE BILL 1216

AN ACT

AMENDING TITLE 38, CHAPTER 3, ARTICLE 4, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 38-451; RELATING TO GOVERNMENT EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 3, article 4, Arizona Revised  
3 Statutes, is amended by adding section 38-451, to read:

4 38-451. Government employees; personal online use;  
5 monitoring; prohibition; exceptions; state  
6 preemption

7 A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE, A CITY, TOWN OR  
8 COUNTY OR A POLITICAL SUBDIVISION OF THIS STATE MAY NOT MONITOR THE  
9 PERSONAL ONLINE USE OR PERSONAL SPEECH OF AN EMPLOYEE IF THE EMPLOYEE  
10 MEETS THE FOLLOWING CRITERIA:

11 1. IS NOT SERVING IN THE EMPLOYEE'S PROFESSIONAL CAPACITY.

12 2. DOES NOT USE DEVICES, EQUIPMENT, SOFTWARE OR PROGRAMS ISSUED TO  
13 THE EMPLOYEE BY THIS STATE, A CITY, TOWN OR COUNTY OR A POLITICAL  
14 SUBDIVISION OF THIS STATE.

15 3. DOES NOT USE SOCIAL MEDIA OR WEB-BASED ACCOUNTS OR ADDRESSES  
16 THAT REPRESENT AND ARE CREATED, MANAGED OR AFFILIATED WITH THIS STATE, A  
17 CITY, TOWN OR COUNTY OR A POLITICAL SUBDIVISION OF THIS STATE.

18 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THIS STATE, A  
19 CITY, TOWN OR COUNTY OR A POLITICAL SUBDIVISION OF THIS STATE MAY MONITOR  
20 THE PERSONAL ONLINE USE OR PERSONAL SPEECH OF AN EMPLOYEE IN ANY OF THE  
21 FOLLOWING CIRCUMSTANCES:

22 1. THIS STATE, A CITY, TOWN OR COUNTY OR A POLITICAL SUBDIVISION OF  
23 THIS STATE HAS A REASONABLE SUSPICION THAT:

24 (a) THE EMPLOYEE USES PERSONAL ACCOUNTS OR DEVICES DURING WORKING  
25 HOURS TO CONDUCT ANY BUSINESS FOR THIS STATE, A CITY, TOWN OR COUNTY OR A  
26 POLITICAL SUBDIVISION OF THIS STATE.

27 (b) THE EMPLOYEE SHARES PRIVILEGED OR CONFIDENTIAL INFORMATION OR  
28 INFORMATION THAT IS OTHERWISE NOT PUBLICLY AVAILABLE.

29 (c) THE EMPLOYEE ATTRIBUTES STATEMENTS OR COMMENTS TO THE  
30 EMPLOYEE'S ROLE WITH THIS STATE, A CITY, TOWN OR COUNTY OR A POLITICAL  
31 SUBDIVISION OF THIS STATE OR AS AN OFFICIAL POSITION OF THIS STATE, A  
32 CITY, TOWN OR COUNTY OR A POLITICAL SUBDIVISION OF THIS STATE.

33 2. THE EMPLOYEE IS THE SUBJECT OF A COMPLAINT OR AN ALLEGATION OF  
34 IMPROPER CONDUCT OR AN EMPLOYMENT POLICY VIOLATION THAT REQUIRES AN  
35 INVESTIGATION BY THIS STATE, A CITY, TOWN OR COUNTY OR A POLITICAL  
36 SUBDIVISION OF THIS STATE TO DETERMINE THE CREDIBILITY OF THE COMPLAINT OR  
37 ALLEGATION.

38 3. THIS STATE, A CITY, TOWN OR COUNTY OR A POLITICAL SUBDIVISION OF  
39 THIS STATE SUSPECTS THE EMPLOYEE OF ILLEGAL ACTIVITY.

40 4. THIS STATE, A CITY, TOWN OR COUNTY OR A POLITICAL SUBDIVISION OF  
41 THIS STATE RECEIVES CREDIBLE INFORMATION FROM A THIRD PARTY THAT THE  
42 EMPLOYEE IS ENGAGING IN IMPROPER CONDUCT OR BEHAVIOR.

1           5. TO INVESTIGATE, PREVENT OR RESPOND TO ANY THREATS OR POTENTIAL  
2 THREATS TO THIS STATE, A CITY, TOWN OR COUNTY OR A POLITICAL SUBDIVISION  
3 OF THIS STATE OR ITS EMPLOYEES, ELECTED OFFICIALS OR OTHER MEMBERS OF ITS  
4 WORKFORCE.  
5           C. MONITORING A GOVERNMENT EMPLOYEE'S PERSONAL ONLINE USE OR  
6 PERSONAL SPEECH IS OF STATEWIDE CONCERN. MONITORING THE PERSONAL ONLINE  
7 USE OR PERSONAL SPEECH OF AN EMPLOYEE OF THIS STATE, A CITY, TOWN OR  
8 COUNTY OR A POLITICAL SUBDIVISION OF THIS STATE PURSUANT TO THIS SECTION  
9 IS NOT SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER  
10 POLITICAL SUBDIVISION OF THIS STATE.