

Workplace Drones and Employment Issues



presented by

Charlie Plumb

McAFEE & TAFT

Drone Operation Laws – “Small Unmanned Aircraft Systems” (UAS)

■ Federal

- If laws conflict, federal laws take precedent over state drone laws
- Flown for work/business purpose: pass FAA’s *Aeronautical Knowledge Test* and follow FAA Part 107 regs (includes registration of drone, airspace, altitude and line-of-sight operation requirements)
- Recreational use of drone: pass FAA’s Recreational UAS Safety Test and follow FAA *Recreational Model Aircraft Rules*

Drone Operation Laws – “Small Unmanned Aircraft Systems” (UAS)

■ Oklahoma

- Prohibited from flying within 400 feet of any "*critical infrastructure facility*"
- Prohibition does not apply to the owner or operator of the critical infrastructure facility (or obtains consent from the owner or operator)
- Examples: refinery, power generating, substation, natural gas compressor, gas or fuel terminal, wireless telecommunications, television/radio transmission, steelmaking, dams

Employers' Uses of Drones

- Cameras with live feeds and recording capabilities
- Increase access to activities and locations (multiple)
- 24/7 or on-command features



Employers' Uses of Drones

(cont'd)

- Information gathering – augments traditional video surveillance and other forms of security
 - Monitoring employee performance or presence (tasks completed, hours worked, etc.)
 - Investigating unauthorized use, access or damage to employer's property
 - Suspected theft of property and/or trade secrets



A Drone Policy for the Workplace

1. Prohibit unauthorized drones on employer's premises
 - a) Define "premises" broadly and to include airspace
 - b) Require specific notice and approval by employer
2. Do not monitor areas where employees have a "reasonable expectation of privacy"
3. Notice to employees and guests of drone surveillance and recording – acknowledgement signed by employees
4. Unionized employers – workplace surveillance = mandatory subject of bargaining?

Questions?

Charlie Plumb
Attorney
McAfee & Taft

(918) 574-3003
charlie.plumb@mcafeetaft.com

