

HOUSE No. 1693

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan D. Zlotnik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to employee references.

PETITION OF:

NAME:

Jonathan D. Zlotnik

DISTRICT/ADDRESS:

2nd Worcester

HOUSE No. 1693

By Mr. Zlotnik of Gardner, a petition (accompanied by bill, House, No. 1693) of Jonathan D. Zlotnik relative to employee reference liability. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1046 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to employee references.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 149 of the General Laws as appearing in the 2002 Official Edition,
2 is amended by inserting at the end of Section 52C. the following new section: --

3 SECTION 52D. (A) Unless otherwise provided by law, an employer, or an employer’s
4 designee, who discloses information about a current or former employee to a prospective
5 employer of the employee shall be absolutely immune from civil liability if the disclosed
6 information includes any or all of the following: (1) date of employment; (2) pay level; (3) job
7 description and duties; and (4) wage history. An employer who responds in writing to a written
8 request concerning a former employee from a prospective employer of that employee shall be
9 absolutely immune from civil liability if the disclosed information includes either or both of the
10 following: (1) written employee evaluations which were conducted prior to the employee’s

11 separation from the employer; and (2) whether the employee was voluntarily or involuntarily
12 released from service and the reasons for the separation.

13 (B) This section shall apply to causes of action accruing on and after the effective date of
14 this act.