

HOUSE No. 2027

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph D. McKenna

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:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/11/2021</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>2/23/2021</i>

HOUSE No. 2027

By Mr. McKenna of Webster, a petition (accompanied by bill, House, No. 2027) of Joseph D. McKenna and Michael J. Soter relative to employee reference liability. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1693 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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.