

SENATE No. 00846

The Commonwealth of Massachusetts

PRESENTED BY:

Richard J. Ross

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 passage of the accompanying bill:

An Act relative to employee records

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard J. Ross</i>	<i>Norfolk, Bristol, and Middlesex</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Daniel Winslow</i>	<i>9th Norfolk</i>

SENATE No. 00846

By Mr. Ross, petition (accompanied by bill, Senate, No. 846) of Winslow, Tarr, Koczera and other members of the General Court for legislation relative to employee records [Joint Committee on the Judiciary].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 1589 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to employee records

□.

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 is hereby amended by inserting, after
2 section 52D, the following section:-

3 Section 52E. (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. (B) This section shall apply to causes of
13 action accruing on and after the effective date of this act.