

SENATE No. 893

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 adoption of the accompanying bill:

An Act relative to employee records.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------------------|---------------------------------------|
| <i>Richard J. Ross</i> | <i>Norfolk, Bristol and Middlesex</i> |
| <i>Leonard Mirra</i> | <i>2nd Essex</i> |
| <i>Robert L. Hedlund</i> | <i>Plymouth and Norfolk</i> |
| <i>Viriato M. deMacedo</i> | <i>Plymouth and Barnstable</i> |

SENATE No. 893

By Mr. Ross, a petition (accompanied by bill, Senate, No. 893) of Richard J. Ross, Leonard Mirra, Robert L. Hedlund and Viriato M. deMacedo for legislation relative to employee records. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 786 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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, as appearing in the 2014 Official Edition,
2 is hereby amended by inserting after 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.

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