

# SENATE . . . . . No. 904

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## The Commonwealth of Massachusetts

PRESENTED BY:

*Steven A. Tolman*

*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 protecting a union agent and union member..

PETITION OF:

NAME:

*Steven A. Tolman*

DISTRICT/ADDRESS:

# SENATE . . . . . No. 904

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By Mr. Tolman, a petition (accompanied by bill, Senate, No. 904) of Steven A. Tolman for legislation to protect a union agent and union member. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1839 OF 2009-2010.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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An Act protecting a union agent and union member..

*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. Notwithstanding any general or special law or rule or regulation to the  
2   contrary, a union agent, during the agency or representative relationship or after termination of  
3   the agency or representative relationship with the bargaining unit member, shall not be  
4   compelled to disclose, in any court or to any administrative board or agency arbitration or  
5   proceeding, whether civil or criminal, any information he or she may have acquired in attending  
6   to his or her professional duties or while acting in his or her representative capacity.

7                   A union agent may use or reveal information obtained during the course of  
8   fulfilling his or her professional representative duties:

9                   (1) to the extent it appears necessary to prevent the commission of a crime that  
10   is likely to result in a clear, imminent risk of serious physical injury or death of another person;

11                   (2) in actions, civil or criminal, against the union agent in his or her personal or  
12   official representative capacity, or against the local union or subordinate body thereof or  
13   international union or affiliated or subordinate body thereof or any agent thereof in their personal  
14   or official representative capacities;

15                   (3) when required by court order; or

16                   (4) when, after full disclosure has been provided, the written or oral consent of  
17   the bargaining unit member has been obtained or, if the bargaining unit member is deceased or  
18   has been adjudged incompetent by a court of competent jurisdiction, the written or oral consent  
19   of the bargaining unit member's estate.