

HOUSE No. 4802

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act relative to disclosure of employment information..

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. Section 42 of chapter 71 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by adding the following paragraph:-

3 “A principal or superintendent requested to provide a reference for a former or current
4 employee, who acts in good faith, shall be immune from civil liability for information provided
5 about the former employee’s job performance, conduct, whether the employee was voluntarily or
6 involuntarily released from service, the reasons for separation and the reasons for termination of
7 employment. The immunity shall not apply if the information provided is knowingly false or
8 deliberately misleading or was rendered with malicious purpose.”

9 SECTION 2. Section 52C of chapter 149 of the General Laws, as appearing in the 2008
10 Official Edition, is hereby amended by adding the following:-

11 “Section 52D. An employer, or an employer’s designee, requested to provide a reference
12 for a former or current employee, who acts in good faith, shall be immune from civil liability for
13 information provided about the former employee’s job performance, conduct, whether the

14 employee was voluntarily or involuntarily released from service, the reasons for separation and
15 the reasons for termination of employment. The immunity shall not apply if the information
16 provided is knowingly false or deliberately misleading or was rendered with malicious purpose.”