

SENATE No. 1589

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 52C the following section:- Section 52D. (A) Unless otherwise provided by law, an
3 employer, or an employer’s designee, who discloses information about a current or former
4 employee to a prospective employer of the employee shall be absolutely immune from civil
5 liability if the disclosed information includes any or all of the following: (1) date of employment;
6 (2) pay level; (3) job description and duties; and (4) wage history. An employer who responds in
7 writing to a written request concerning a former employee from a prospective employer of that
8 employee shall be absolutely immune from civil liability if the disclosed information includes
9 either or both of the following: (1) written employee evaluations which were conducted prior to
10 the employee’s separation from the employer; and (2) whether the employee was voluntarily or
11 involuntarily released from service and the reasons for the separation.

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