

SENATE No. 1839

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 fulfilling his
8 or her professional representative duties:

9 (1) to the extent it appears necessary to prevent the commission of a crime that is likely to
10 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 official
12 representative capacity, or against the local union or subordinate body thereof or international

13 union or affiliated or subordinate body thereof or any agent thereof in their personal or official
14 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 the
17 bargaining unit member has been obtained or, if the bargaining unit member is deceased or has
18 been adjudged incompetent by a court of competent jurisdiction, the written or oral consent of
19 the bargaining unit member's estate.