

**SENATE . . . . . No. 696**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to personnel 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. Section 27C of Chapter 149 of the General Laws, as appearing in the 2006  
2 official Edition is hereby amended in lines 3 and 11 by inserting after the number “27H” the  
3 following “52C”.

4           SECTION 2. Section 52C of said Chapter 149, as so appearing, is hereby amended by  
5 striking lines 9 through 11 and inserting in place thereof the following: --

6           “Employer” an individual, corporation, partnership, labor organization, unincorporated  
7 association, any political subdivision, including any city, town, county, or other governmental  
8 entity or created by state law, including public corporations, and

9           authorities, or any other legal business, public or private or commercial entity including  
10 agents of the employer

11           SECTION 3. Said Section 52C of said Chapter 149 as so appearing, is hereby amended  
12 by striking lines 37 to 41 and inserting in place thereof the following: --

13           An employer shall notify an employee within 10 days of the employer placing in the  
14 employee's personnel record any information to the extent that the information is used or has  
15 been used or may be used to negatively affect the employee's qualification for employment,  
16 promotion, transfer, additional compensation or disciplinary action. Any employer receiving a  
17 written request from an employee shall provide the employee with an opportunity to review his  
18 personnel record within five business days of such request. The review shall take place at the  
19 place of employment and during normal business hours. An employee shall be given a copy of  
20 his personnel record within five business days of submission of a written request for such copy to  
21 his employer. An employer shall not be required to allow an employee to review his personnel  
22 record on more than two (2) separate occasions in any calendar year, provided however that the  
23 notification and review caused by the placing of any negative information in the personnel record  
24 shall not be considered on of the two annually permitted reviews. An Employer and a labor  
25 organization representing employees may provide for more frequent review of personnel records  
26 or other rights more beneficial to employees than those provided by this statute through  
27 collective bargaining.

28           SECTION 4. Said Section 52C of said Chapter 149 of the General Laws, is hereby  
29 amended by inserting at the end thereof the following: --

30           Any employer who violates this section shall be punished or shall be subject to a civil  
31 citation or order as provided in Section 27C.