

SENATE No. 721

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Employer Liability Protection..

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 52C of chapter 149 of the general laws, as appearing in the 2006
2 official addition, is amended by inserting at the end of said Section 52C the following new
3 section: -

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