

**SENATE . . . . . No. 846**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Richard J. Ross***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to employee records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>
<i>Bruce E. Tarr</i>	
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>

**SENATE . . . . . No. 846**

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By Mr. Ross, a petition (accompanied by bill, Senate, No. 846) of Richard J. Ross, Robert M. Koczera, George T. Ross, Bruce E. Tarr and others for legislation relative to employee records. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1589 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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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 52D, the following section:-

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

11 separation from the employer; and (2) whether the employee was voluntarily or involuntarily  
12 released from service and the reasons for the separation. (B) This section shall apply to causes of  
13 action accruing on and after the effective date of this act.