

HOUSE No. 1682

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

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 references.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	<i>1/9/2013</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	
<i>Denise Andrews</i>	<i>2nd Franklin</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	

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By Ms. Walz of Boston, a petition (accompanied by bill, House, No. 1682) of Martha M. Walz and others for legislation to provide immunity from civil liability for persons providing employee references to prospective employers. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1384 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to employee references.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immunity from liability for reference disclosure, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 149 of the General Laws is hereby amended by inserting after Section 52D the
2 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 the employee’s: (1) date of employment; (2) pay level; (3) job description
7 and duties; or (4) wage history.

8 (b) An employer who responds in writing to a written request concerning a former
9 employee from a prospective employer of that employee shall be absolutely immune from civil
10 liability if the disclosed information includes: (1) written employee evaluations which were
11 conducted prior to the employee’s separation from the employer, or (2) whether the employee
12 was voluntarily or involuntarily released from service and the reasons for the separation.

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