

SENATE No. 1044

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>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/14/2017</i>

SENATE No. 1044

By Mr. Ross, a petition (accompanied by bill, Senate, No. 1044) of Richard J. Ross and Bruce E. Tarr for legislation relative to employee records. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 893 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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, as appearing in the 2014 Official Edition,
2 is hereby amended by inserting after section 52E the following section:-

3 Section 52F. (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.

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