

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Tolman, Steven (SEN)

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 passage of the accompanying bill:

An Act protecting a union agent and union member.

PETITION OF:

NAME:

Tolman, Steven (SEN)

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01030 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROTECTING A UNION AGENT AND UNION MEMBER.

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. Notwithstanding any general or special law or rule or regulation to the contrary, a
2 union agent, during the agency or representative relationship or after termination of the agency or
3 representative relationship with the bargaining unit member, shall not be compelled to disclose, in any
4 court or to any administrative board or agency arbitration or proceeding, whether civil or criminal, any
5 information he or she may have acquired in attending to his or her professional duties or while acting in
6 his or her representative capacity.

7 A union agent may use or reveal information obtained during the course of fulfilling his or her
8 professional representative duties:

9 (1) to the extent it appears necessary to prevent the commission of a crime that is likely to result in a
10 clear, imminent risk of serious physical injury or death of another person;

11 (2) in actions, civil or criminal, against the union agent in his or her personal or official representative
12 capacity, or against the local union or subordinate body thereof or international union or affiliated or
13 subordinate body thereof or any agent thereof in their personal or official representative capacities;

14 (3) when required by court order; or

15 (4) when, after full disclosure has been provided, the written or oral consent of the bargaining unit
16 member has been obtained or, if the bargaining unit member is deceased or has been adjudged
17 incompetent by a court of competent jurisdiction, the written or oral consent of the bargaining unit
18 member's estate.