

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Brown, Scott (SEN)**

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*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 relative to employee records**

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brown, Scott (SEN)	Norfolk, Bristol and Middlesex
Mr. Hedlund	Plymouth and Norfolk
Mr. Knapik	Second Hampden and Hampshire
Mr. Tarr	First Essex and Middlesex
Mr. Tisei	Middlesex and Essex
Todd M. Smola	1st Hampden

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00819 OF .]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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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 52C the following section:-

3           Section 52D. (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 this  
14 act.