

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

McGee, Thomas (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 relative to personnel records

PETITION OF:

NAME:	DISTRICT/ADDRESS:
McGee, Thomas (SEN)	Third Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01075 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PERSONNEL 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. Section 27C of Chapter 149 of the General Laws, as appearing in the 2006 official
2 Edition is hereby amended in lines 3 and 11 by inserting after the number "27H" the following "52C".

3

4 SECTION 2. Section 52C of said Chapter 149, as so appearing, is hereby amended by striking lines 9
5 through 11 and inserting in place thereof the following: --

6 "Employer" an individual, corporation, partnership, labor organization, unincorporated association, any
7 political subdivision, including any city, town, county, or other governmental entity or created by state
8 law, including public corporations, and

9 authorities, or any other legal business, public or private or commercial entity including agents of the
10 employer

11

12 SECTION 3. Said Section 52C of said Chapter 149 as so appearing, is hereby amended by striking lines 37
13 to 41 and inserting in place thereof the following: --

14 An employer shall notify an employee within 10 days of the employer placing in the employee's
15 personnel record any information to the extent that the information is used or has been used or may be
16 used to negatively affect the employee's qualification for employment, promotion, transfer, additional
17 compensation or disciplinary action. Any employer receiving a written request from an employee shall
18 provide the employee with an opportunity to review his personnel record within five business days of
19 such request. The review shall take place at the place of employment and during normal business
20 hours. An employee shall be given a copy of his personnel record within five business days of
21 submission of a written request for such copy to his employer. An employer shall not be required to
22 allow an employee to review his personnel record on more than two (2) separate occasions in any
23 calendar year, provided however that the notification and review caused by the placing of any negative
24 information in the personnel record shall not be considered on of the two annually permitted reviews.
25 An Employer and a labor organization representing employees may provide for more frequent review of
26 personnel records or other rights more beneficial to employees than those provided by this statute
27 through collective bargaining.

28 SECTION 4. Said Section 52C of said Chapter 149 of the General Laws, is hereby amended by inserting at
29 the end thereof the following: --

30 Any employer who violates this section shall be punished or shall be subject to a civil citation or order as
31 provided in Section 27C.

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