

HOUSE No. 2003

By Ms. Walz of Boston, petition of Martha M. Walz and others relative to the disclosure of prior employment information by public safety personnel. Municipalities and Regional Government.

The Commonwealth of Massachusetts

PETITION OF:

Martha M. Walz
Thomas M. Menino

Anthony Petrucelli
Denise Provost

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE DISCLOSURE OF PRIOR EMPLOYMENT INFORMATION.

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 41 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by inserting after Section 96B the
3 following new section:—

4 Section 96C. Public safety personnel; disclosure of prior employ-
5 ment

6 (a) As used in this section, the term “public safety personnel”
7 includes, but is not limited to police officers at the state or local
8 level, municipal firefighters, emergency medical services personnel
9 employed by a municipality, correctional officers, probation officers,
10 or support staff of any division of municipal public safety depart-
11 ments or law enforcement, including part-time or temporary staff,
12 and the term “employment information” includes, but is not limited
13 to, written information relating to job applications, performance
14 evaluations, attendance records, disciplinary matters, reasons termi-
15 nation, eligibility for rehire, and other information relevant to the
16 employee’s performance, except information that other state or fed-
17 eral law prohibits disclosing or information that is subject to a
18 legally recognized privilege the employer is otherwise entitled to
19 follow.

20 (b) Current or former employers must disclose employment infor-
21 mation when requested pursuant to this section.

22 (c) Due to the duty of public safety agencies to protect the public
23 and conduct the most thorough screenings possible of prospective
24 employees, background investigations of prospective public safety
25 personnel should include a request for employment information
26 from current or former employers. This request must be made to the
27 current or former employer in writing and must be accompanied by
28 an authorization or release in original, copy, or facsimile form,
29 signed by both the prospective employee and an authorized repre-
30 sentative of the public safety agency no more than one year before
31 the request.

32 (d) Current and former employers are required to disclose or oth-
33 erwise make available for inspection all employment information of
34 a current or former employee seeking employment in public safety.
35 A reasonable fee may be charged by the current or former employer
36 to cover the actual costs incurred in copying or otherwise furnishing
37 documents as required by this section.

38 (e) If a current or former employer fails to make a disclosure in
39 accordance with this section, the prospective employer has grounds
40 for a civil action for injunctive relief compelling the disclosure.
41 Failure to comply with such an order shall subject the current or
42 former employer to civil or criminal contempt of court.

43 (f) An employer who discloses employment information under
44 this section is to be immune from any form of liability for such dis-
45 closure or its consequences.