

SENATE NO. 819



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 2002 Official Edition, is
2 amended by inserting at the end of Section 52C. the following new 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.