

SENATE NO. 1101

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. Section 52C of chapter 149 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by striking lines 37 to 42, inclusive, and inserting in place thereof the
3 following:-

4 Any employer receiving a written request from an employee shall provide the employee with
5 an opportunity to review his personnel record within five business days of such request, provided,
6 however that said employer is not required to permit an employee's inspection of his personnel record
7 on more than two occasions in a year. The review shall take place at the place of employment and
8 during normal business hours. An employee shall be given a copy of his personnel record within five
9 business days of submission of a written request for such copy to his employer.

10 SECTION 2. Said chapter 149, as so appearing, is hereby further amended by inserting after
11 section 52D the following section:-

12 Section 52E. (A) Unless otherwise provided by law, an employer, or an employer's designee,
13 who discloses information about a current or former employee to a prospective employer of the
14 employee shall be conditionally immune from civil liability as at common law.

15 (B) Unless otherwise provided by law, an employer who discloses information about a current
16 or former employee to a prospective employer of the employee shall be absolutely immune from civil
17 liability. The immunity shall apply only to disclosure of the following:

- 18 (1) Date of employment;
- 19 (2) pay level;
- 20 (3) job description and duties; and
- 21 (4) wage history.

22 (C) Unless otherwise provided by law, an employer who responds in writing to a written
23 request concerning a former employee from a prospective employer of that employee shall be
24 absolutely immune from civil liability for disclosure of the following information:

- 25 (1) Written employee evaluations which were conducted prior to the employee's separation
26 from the employer; and
- 27 (2) Whether the employee was voluntarily or involuntarily released from service and the
28 reasons for the separation.

29 (D) The immunity from liability granted by subsections (A), (B) and (C) shall not apply to the
30 disclosure of information in violation of any civil rights of a former employee as established by any
31 state or federal discrimination statute.

32 (E) This section shall apply to causes of action accruing on and after the effective date of this
33 act.

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