

MASSACHUSETTS EMPLOYMENT LAW ALERT

LEGISLATURE ENACTS CHANGES TO STATE LAW THAT REQUIRE IMMEDIATE ACTION BY EMPLOYERS

The Massachusetts Legislature recently enacted amendments to the Massachusetts personnel records statute and Criminal Offender Record Information (“CORI”) act that will have immediate impact on employment policies and procedures. Employers must act to address the following substantive changes to Massachusetts law.

Personnel Records:

Revisions to the Massachusetts personnel records statute at Chapter 149, § 52C alter how employers must handle employee personnel files. Effective immediately, employers must:

- provide employees with notice within 10 days every time the employer places any negative information in the employee’s file to the extent that such information “is, has been used, or may be used, to negatively affect the employee’s qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action.”
- provide a copy of the personnel file to an employee upon request only twice each year, except where the employee requests a copy of the file as a result of being notified of the placement of negative information in the file.

CORI Reform:

The new CORI act prohibits employers from including on an employment application any questions about prior criminal convictions. Employers are still permitted to question applicants about certain convictions during interviews. However, if an employer requests or receives CORI information on an applicant candidate, the employer must provide a copy of the information to the applicant before inquiring about the information during an interview. The employer must also provide a copy of the CORI information to the candidate if the CORI information is the reason for not hiring the applicant.

Employers are advised to review and update hiring procedures to meet the November 2011 effective date of the new statute.

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***NOTE:** The information in this advisory is for general, educational purposes. It is not intended to be, and should not be considered, legal advice with respect to any particular situation.*