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Dear Valued Clients and Friends of Hirsch Roberts Weinstein LLP:

Massachusetts Employers Are Now Required to Give Employees Notice When Negative Information is Placed in the Employee's Personnel File.

On August 5, 2010, Governor Deval Patrick signed into law a 134-page economic development bill that is intended help small businesses create jobs. Not mentioned in the Governor's press release is the fact that the law also amends the Massachusetts' Personnel Records Law (M.G.L. c. 149, §52C) in a significant way, and that the amendments are effective immediately.

Under the amended law, employers are now required to notify an employee within 10 days of the employer placing in the employee's personnel record any information that has been 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.

The amended law still requires that an employer allow an employee to review his/her personnel file, or to obtain a copy, within five business days of submission of a written request. The amended law provides an employer is not required to allow an employee to review the employee's personnel record on more than two separate occasions in a calendar year; however, the notification and review caused by the placing of negative information in the personnel record is not deemed to be one of the two annually permitted reviews.

The personnel records law is otherwise unchanged. The law is still enforced by the attorney general, and violations are still punishable by a fine of between five hundred and twenty-five hundred dollars.

If you have any questions, please contact Catherine E. Reuben at (617) 348-4316; creuben@hrwlawyers.com