

## **Seyfarth Shaw Attorney C.J. Eaton Testifies Before Joint Committee on Labor & Workforce Development**

BOSTON (September 16, 2011) -- Seyfarth Shaw LLP Labor & Employment attorney C.J. Eaton recently testified before the Massachusetts Legislature's Joint Committee on Labor and Workforce Development in support of House Bill 1397, An Act Related to Personnel Records.

Sponsored by Representative Jonathan Hecht (D-Watertown), the bill would amend the Massachusetts personnel records statute, Mass. Gen. Laws ch. 149, § 52C, to eliminate confusion caused by a 2010 amendment to the statute. The 2010 amendment, buried within the text of an economic development bill signed into law by Governor Deval Patrick, imposed on employers the requirement that they notify employees within 10 days of placing information into the employee's personnel record that "may" negatively affect the employee's employment or could "possibly" lead to disciplinary action. The statute specifies what information meets these requirements.

Eaton's testimony focused on the burden that the statute currently places on employers of all sizes and in all sectors, including government employers, small businesses, nonprofits, and large corporations, and it included a number of specific examples of the challenges faced by those employers. She testified that the current version of the statute is beneficial to neither employers, who must track down every written communication and notify employees of its existence, nor employees, who may have every little mistake recorded in their files.

According to Eaton, because the law is currently among the most troublesome of its type in the country, it discourages companies from doing business in Massachusetts. This bill is one of four competing proposals before the Committee, and Eaton posited that the statute would likely be amended to ease the burden of employers. She also said that the 2010 amendment was essentially a solution in search of a problem, as the statute was not "broken" and provided employees with adequate access to their employment records prior to the amendment.

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