

HOUSE No. 1794

By Mr. Brownsberger of Belmont, a petition (accompanied by bill, House, No. 1794) of William N. Brownsberger and others relative to employment contracts. Labor and Workforce Development.

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to prohibit restrictive employment covenants.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	24th Middlesex
Patricia D. Jehlen	Second Middlesex
Ruth B. Balser	12th Middlesex
Cory Atkins	14th Middlesex
Jennifer Benson	37th Middlesex
Kate Hogan	3rd Middlesex
Tom Sannicandro	7th Middlesex
Carl M. Sciortino, Jr.	34th Middlesex
Theodore C. Speliotis	13th Essex
Ellen Story	3rd Hampshire
Alice K. Wolf	25th Middlesex
Paul Kujawski	8th Worcester
Barbara A. L'Italien	18th Essex
Denise Provost	27th Middlesex
Jennifer M. Callahan	18th Worcester
Anne M. Gobi	5th Worcester
Kenneth J. Donnelly	Fourth Middlesex
Linda Dean Campbell	15th Essex

Steven J. D'Amico	4th Bristol
Elizabeth A. Malia	11th Suffolk
Susan C. Fargo	Third Middlesex
Jonathan Hecht	29th Middlesex
Richard J. Ross	9th Norfolk
Kevin Aguiar	7th Bristol
Alice Hanlon Peisch	14th Norfolk
Thomas M. Stanley	9th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROHIBIT RESTRICTIVE EMPLOYMENT COVENANTS .

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 19 of Chapter 149 of the General Laws of Massachusetts is hereby amended by
2 inserting at the end the following new paragraphs:

3 Any written or oral contract or agreement arising out of an employment relationship that prohibits,
4 impairs, restrains, restricts, or places any condition on, a person's ability to seek, engage in or accept any
5 type of employment or independent contractor work, for any period of time after an employment
6 relationship has ended, shall be void and unenforceable with respect to that restriction. This section shall
7 not render void or unenforceable the remainder of the contract or agreement.

8 For the purposes of this section, chapter 149, section 148B shall control the definition of employment.

9 Whoever violates the provisions of this section shall be liable for reasonable attorneys fees and costs
10 associated with litigation of an affected employee or individual.

11 This section shall be construed liberally for the accomplishment of its purposes, and no other provision of
12 the General Laws shall be construed in a manner that would limit its coverage. Nothing in this section
13 shall preempt tort or contract claims, or other statutory claims, based upon an employer's use, or
14 attempted use of an unlawful contract or agreement to interfere with subsequent employment or
15 contractor work.

16 This section shall apply to all contracts and agreements generated after the effective date of this act.

17 Section 2. Section 42A of Chapter 93 of the General Laws of Massachusetts is hereby amended by
18 striking the words "in violation of the terms of such agreement" where they first appear.