



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

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TO: Joint Committee on Labor and Workforce Development
FROM: Senator William N. Brownsberger
RE: Senate Bill 845, An Act to protect job applicants' identity and privacy; Senate Bill 846, An Act relative to employee non-competition agreements; and House Bill 1715, An Act relative to non-competition agreements
DATE: September 10, 2013

I am writing in favor of S845, An Act to protect job applicants' identity and privacy; Senate Bill 846, An Act relative to employee non-competition agreements; and House Bill 1715, An Act relative to non-competition agreements.

S845, An Act to protect job applicants' identity and privacy would prevent potential employers from asking job applicants for their Social Security Numbers or driver's license numbers unless that information were considered relevant to a bona fide occupational qualification. This bill would help protect against identity theft and will help to protect job applicants' privacy.

House Bill 1715 and Senate Bill 845 create a presumption of reasonableness for all non-competition agreements lasting less than 6 months, while also (in the case of the House version) creating a presumption that noncompetition agreements lasting more than six months restrain trade and harm the economy, or (in the case of the Senate version) creating a presumption that agreements of such length are unreasonable. Noncompetition agreements determined by a court to be unreasonable are generally unenforceable. Noncompetition agreements unreasonably restrict the ability of people at all income levels from finding work, increasing unemployment and preventing employers from hiring the best available talent.

