

OFFERED BY COUNCILORS ERIN MURPHY, ED FLYNN, BREADON, DURKAN,
FERNANDES ANDERSON, FITZGERALD, MEJIA, PEPÉN, WORRELL AND LOUIJEUNE



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY FIVE

HOME RULE PETITION

**AN ACT RELATIVE TO THE USE OF NONDISCLOSURE, CONFIDENTIALITY, AND
OTHER EMPLOYMENT AGREEMENTS IN THE CITY OF BOSTON**

WHEREAS, nondisclosure agreements (NDAs), confidentiality agreements, and similar employment contracts are intended to protect sensitive information but may, in certain contexts, hinder transparent government and a safe, equitable, and accountable workplace; and

WHEREAS, the use of NDAs and similar agreements within the executive branch of the City of Boston, including the Mayor's administration and all city departments, raises significant concerns about transparency, accountability, and the public's right to be informed about the actions and decisions of its government; and

WHEREAS, the Massachusetts State Auditor recently released findings highlighting the need for limits on NDAs in government, aligning with growing concerns at the state level about their misuse; and

WHEREAS, Governor Healey recently implemented a ban on NDAs within the executive branch of the Commonwealth of Massachusetts, demonstrating a policy shift toward increased transparency and accountability in public service; and

WHEREAS, the implementation of NDAs and similar agreements in municipal government is not a common practice and may erode public trust, particularly when their purpose and scope are not fully understood or appear to conceal misconduct or lack of transparency; and

WHEREAS, a review of employment agreements in the City of Boston is necessary to ensure that policies and practices align with principles of good governance, public trust, and the rights of employees;

NOW, THEREFORE, BE IT ORDERED, that a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston, be filed with an attested copy of this Order and is hereby approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

**PETITION FOR A SPECIAL LAW RE: AN ACT RELATIVE TO THE USE OF
NONDISCLOSURE, CONFIDENTIALITY, AND OTHER EMPLOYMENT AGREEMENTS
IN THE CITY OF BOSTON**

SECTION 1.

- (a) Notwithstanding any general or special law to the contrary, the City of Boston, including the Mayor's administration and all city departments, shall be prohibited from requiring or entering into nondisclosure agreements, confidentiality agreements, or any other employment agreements with city employees or contractors that would restrict such individuals from disclosing information related to workplace misconduct, discrimination, harassment, or any violation of law, except as otherwise provided by state or federal law.
- (b) This prohibition shall apply to agreements entered into as a condition of employment, upon termination, or as part of any settlement agreement in legal or administrative matters involving the City of Boston.
- (c) Nothing in this act shall prohibit agreements that protect confidential city information related to financial, security, or operational matters, provided that such agreements do not limit an employee or contractor's ability to report misconduct, unlawful activity, or public safety concerns to law enforcement, oversight agencies, or the public.

SECTION 2.

The provisions of this act are severable, and if any provision, or portion thereof, is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION 3.

This act shall take effect immediately upon its passage.

Filed in the City Council on: February 15, 2025