
SUBSTITUTE HOUSE BILL 2779

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Clibborn, Lantz, Pettigrew, Darneille and Rockefeller)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to information provided by former or current
2 employers to prospective employers; adding a new section to chapter
3 4.24 RCW; adding a new section to chapter 49.12 RCW; and creating a new
4 section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that employers are
7 becoming increasingly discouraged from disclosing job reference
8 information. The legislature further finds that full disclosure of
9 such information will increase productivity, enhance the safety of the
10 workplace, and provide greater opportunities to disadvantaged groups
11 who may not have the educational background or resumes of other
12 workers.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
14 to read as follows:

15 (1) An employer who discloses information about a former or current
16 employee's job performance, conduct, or other work-related information
17 to a prospective employer, or employment agency as defined by RCW
18 49.60.040, at the specific request of that individual employer or

1 employment agency, is presumed to be acting in good faith and is immune
2 from civil liability for such disclosure or its consequences. For
3 purposes of this section, the presumption of good faith may only be
4 rebutted upon a showing by clear and convincing evidence that the
5 employer knew that the information was false or misleading.

6 (2) The employer must retain a written record of the information
7 disclosed under this section for a minimum of two years from the date
8 of the disclosure. The employee has a right to inspect the written
9 record upon request. The written record shall become part of the
10 employee's personnel file, subject to the provisions of chapter 49.12
11 RCW.

12 (3) For the purposes of this section, "job performance" means the
13 manner in which the employee performs the duties of a position of
14 employment and includes an analysis of the employee's attendance at
15 work; conduct, attitude, effort, knowledge, behavior, and skills that
16 are work related; and adherence to the employer's employment policies
17 and to safety and health laws subject to the limitation of RCW
18 51.48.025.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.12 RCW
20 to read as follows:

21 Any written record made under section 2 of this act shall become
22 part of an employee's personnel file.

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