
SENATE BILL 5388

State of Washington

58th Legislature

2003 Regular Session

By Senators Johnson, T. Sheldon, Sheahan, Reardon, Hale, Parlette, Benton, Winsley, Schmidt, Haugen, Hewitt, Brandland and Esser

Read first time 01/23/2003. Referred to Committee on Commerce & Trade.

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; and creating a new section.

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

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

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

14 An employer who discloses information about a former or current
15 employee's job performance, conduct, or other work-related information
16 to a prospective employer, or employment agency as defined by RCW
17 49.60.040, at the specific request of that individual employer or
18 employment agency, is presumed to be acting in good faith and is immune

1 from civil liability for such disclosure or its consequences. For
2 purposes of this section, the presumption of good faith may only be
3 rebutted upon a showing by clear and convincing evidence that the
4 information disclosed by the employer was knowingly false or
5 deliberately misleading.

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