

2779-S

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

Brief Description: Limiting liability for information provided by former or current employers to prospective employers.

HB 2779-S.E - DIGEST

(AS OF HOUSE 2ND READING 2/17/04)

Provides that an employer who discloses information about a former or current employee's job performance, conduct, or other work-related information to a prospective employer, or employment agency as defined by RCW 49.60.040, at the specific request of that individual employer or employment agency, is presumed to be acting in good faith and is immune from civil liability for such disclosure or its consequences.

Declares that, for purposes of this act, the presumption of good faith may only be rebutted upon a showing by clear and convincing evidence that the employer knew that the information was false or misleading.

Requires the employer to retain a written record of the substance of any information disclosed under this act for a minimum of two years from the date of the disclosure. The employee has a right to inspect the written record upon request. The written record shall become part of the employee's personnel file, subject to the provisions of chapter 49.12 RCW. Failure to maintain a written record of the disclosure waives the immunity provided under this act, and civil liability for such disclosure shall be evaluated under common law standards without regard to this act.