

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1625

Chapter 103, Laws of 2005

59th Legislature
2005 Regular Session

EMPLOYEE INFORMATION DISCLOSURE--EMPLOYER IMMUNITY

EFFECTIVE DATE: 7/24/05

Passed by the House February 11, 2005
Yeas 92 Nays 6

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 6, 2005
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved April 21, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1625** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

April 21, 2005 - 3:09 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1625

Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By Representatives Clibborn, Condotta, Lantz, Armstrong, Morrell, Hinkle, Buri, Bailey, Grant, Pettigrew, Linville, Priest, Moeller, Simpson, Williams, Tom, Ericks, P. Sullivan, Darneille, Kilmer, Kagi, Hunter and O'Brien

Read first time 01/31/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to employer disclosure of employee information; and
2 adding a new section to chapter 4.24 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
5 to read as follows:

6 (1) An employer who discloses information about a former or current
7 employee to a prospective employer, or employment agency as defined by
8 RCW 49.60.040, at the specific request of that individual employer or
9 employment agency, is presumed to be acting in good faith and is immune
10 from civil and criminal liability for such disclosure or its
11 consequences if the disclosed information relates to: (a) The
12 employee's ability to perform his or her job; (b) the diligence, skill,
13 or reliability with which the employee carried out the duties of his or
14 her job; or (c) any illegal or wrongful act committed by the employee
15 when related to the duties of his or her job.

16 (2) The employer should retain a written record of the identity of
17 the person or entity to which information is disclosed under this
18 section for a minimum of two years from the date of disclosure. The
19 employee or former employee has a right to inspect any such written

1 record upon request and any such written record shall become part of
2 the employee's personnel file, subject to the provisions of chapter
3 49.12 RCW.

4 (3) For the purposes of this section, the presumption of good faith
5 may only be rebutted upon a showing by clear and convincing evidence
6 that the information disclosed by the employer was knowingly false,
7 deliberately misleading, or made with reckless disregard for the truth.

Passed by the House February 11, 2005.

Passed by the Senate April 6, 2005.

Approved by the Governor April 21, 2005.

Filed in Office of Secretary of State April 21, 2005.