

SENATE BILL REPORT

SB 6699

As Passed Senate, February 16, 1998

Title: An act relating to information provided by former or current employers to a prospective employer.

Brief Description: Limiting the liability of a current or former employer who provides information about a current or former employee's work record to a prospective employer.

Sponsors: Senators Schow, Anderson, Newhouse, Zarelli, Horn, Winsley, Stevens, Benton, Rossi, Long, Sellar and Oke.

Brief History:

Committee Activity: Commerce & Labor: 2/2/98, 2/6/98 [DP, DNP].
Passed Senate, 2/16/98, 31-18.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

Minority Report: Do not pass.

Signed by Senators Franklin, Fraser and Heavey.

Staff: Genevieve Pisarski (786-7488)

Background: There is concern that employers are reluctant to disclose job reference information.

Summary of Bill: An employer who discloses work-related information to a prospective employer is presumed to be acting in good faith and is immune from civil liability. The presumption of good faith may be rebutted only by clear and convincing evidence that the disclosure was knowingly false or deliberately misleading.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Many employers are now revealing limited information about employees or referring to problems with terms such as "personality conflict." Prospective employers are exposed to the risk of theft and safety problems.

Testimony Against: Employees face the risk of retaliation, reckless statements, or incomplete information about injury or illness. Employers are already protected by a

common law privilege. Employees don't have the ability to counter and can be affected for the rest of their lives.

Testified: PRO: Jim Justin, AWC; Ron Comlin, The Southland Corporation; Jan Gee, WA Retail Association; Cheryl Metcalf; Carolyn Logue, National Federation of Independent Business; Charles Mott, President, INNOVAC; Clif Finch, AWB; Gary Smith, Independent Business Association; CON: Regina LaBelle, WSTLA; Kelby Fletcher, Peterson, Brocelin, et. al.; Robby Stein, WSLC, AFL/CIO; Harold Abbe, AWPPW.

House Amendment(s): The information that an employer can disclose is limited to: ability to do the job; diligence, skill, or reliability; and illegal or wrongful acts.