
SUBSTITUTE HOUSE BILL 1886

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Sheahan, McMorris, Sherstad, Lambert, Mulliken, Honeyford, Clements, Mitchell, Thompson and Sullivan)

Read first time 03/05/97.

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; creating a new section; and providing an expiration date.

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

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

7 An employer who discloses information about a former or current
8 employee's job performance, conduct, or other work-related information
9 to a prospective employer, is presumed to be acting in good faith and
10 is immune from civil liability for such disclosure or its consequences.
11 For purposes of this section, the presumption of good faith may only be
12 rebutted upon a showing by clear and convincing evidence that the
13 information disclosed by the employer was knowingly false or
14 deliberately misleading.

15 NEW SECTION. **Sec. 2.** (1) A joint legislative task force is
16 established to study and make recommendations concerning the liability
17 of employers who provide job reference information about a current or
18 former employee to a prospective employer. In conducting this study,

1 the task force shall review the following: The extent to which
2 employers refuse to disclose job reference information; the status of
3 litigation regarding job references; the range of other protections
4 available to workers; the impact of federal or state laws; and any
5 other items deemed appropriate by the task force. The task force shall
6 make recommendations regarding the scope of immunity for employers who
7 provide job reference information.

8 (2) The task force shall submit a final report with its findings
9 and recommendations to the legislature by December 1, 1997.

10 (3) The task force membership shall consist of:

11 (a) One member from each caucus of the senate, appointed by the
12 president of the senate;

13 (b) One member from each caucus of the house of representatives,
14 appointed by the speaker of the house of representatives;

15 (c) Two members representing an organization that represents a
16 state-wide cross-section of business, appointed jointly by the
17 president of the senate and the speaker of the house of
18 representatives; and

19 (d) Two members representing an organization that represents a
20 state-wide cross-section of labor, appointed jointly by the president
21 of the senate and the speaker of the house of representatives.

22 (4) The task force shall choose its chair from among its
23 membership.

24 (5) This section expires January 1, 1998.

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