

5388-S

Sponsor(s): Senate Committee on Commerce & Trade (originally sponsored by Senators Johnson, T. Sheldon, Sheahan, Reardon, Hale, Parlette, Benton, Winsley, Schmidt, Haugen, Hewitt, Brandland and Esser)

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

SB 5388-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that an employer who discloses information about a former or current employee's job performance to an entity or person that it reasonably believes is 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. For purposes of this provision, the presumption of good faith may only be rebutted upon a showing by clear and convincing evidence that the information disclosed by the employer was knowingly false or deliberately misleading.

Declares that, for the purposes of this act, "job performance" means the manner in which the employee performs the duties of a position of employment and includes an analysis of the employee's attendance at work; conduct, attitude, effort, knowledge, behavior, and skills, that are work-related; and adherence to the employer's employment policies and to safety and health laws subject to the limitation of RCW 51.48.025.