
HOUSE BILL 1625

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.

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