

3-4-97 Approved

FILED

FILED MAR 4 1997

SENATE FILE 280
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 139)

(P. 638)
Passed Senate, Date 3-17-97 Passed House, Date 4-10-97 (P. 449)
Vote: Ayes 45 Nays 5 Vote: Ayes 70 Nays 28
Approved May 26, 1997

A BILL FOR

1 An Act providing immunity from civil liability for an employer or
2 employer's representative who acts reasonably in providing
3 information about a current or former employee of the
4 employer.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 280

1 Section 1. NEW SECTION. 91B.2 INFORMATION PROVIDED BY
2 EMPLOYERS ABOUT CURRENT OR FORMER EMPLOYEES -- IMMUNITY.

3 1. An employer or an employer's representative who, upon
4 request by or authorization of a current or former employee or
5 upon request made by a person who in good faith is believed to
6 be a representative of a prospective employer of a current or
7 former employee, provides work-related information about a
8 current or former employee, is immune from civil liability
9 unless the employer or the employer's representative acted
10 unreasonably in providing the information.

11 2. For purposes of this section, an employer acts
12 unreasonably if any of the following are present:

13 a. The information violates a civil right of the current
14 or former employee.

15 b. The information knowingly is provided to a person who
16 has no legitimate and common interest in receiving the
17 information.

18 c. The information is not relevant to the inquiry being
19 made, is provided with malice, or is provided with no good
20 faith belief that it is true.

21 3. For purposes of this section, "employer" and "employee"
22 are defined as provided in section 91A.2.

23 EXPLANATION

24 This bill provides immunity from civil liability to an
25 employer who provides work-related information about a current
26 or former employee upon request of the employee or a
27 prospective employer if the employer does not act unreasonably
28 in providing the information. The bill provides that an
29 employer acts unreasonably if the information disclosed
30 violates a civil right of the employee, if the information is
31 knowingly provided to one with no legitimate interest in the
32 information, or if the information provided is not relevant
33 and is disclosed with malice or with no good faith belief that
34 the information is true.

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SENATE FILE 280

S-3140

- 1 Amend Senate File 280 as follows:
- 2 1. Page 1, line 10, by inserting before the word
- 3 "information" the following: "work-related".
- 4 2. Page 1, line 13, by inserting before the word
- 5 "information" the following: "work-related".
- 6 3. Page 1, line 15, by inserting before the word
- 7 "information" the following: "work-related".
- 8 4. Page 1, line 17, by inserting before the word
- 9 "information" the following: "work-related".
- 10 5. Page 1, line 18, by inserting before the word
- 11 "information" the following: "work-related".
- 12 6. Title page, line 3, by inserting before the
- 13 word "information" the following: "work-related".

By TOM VILSACK

S-3140 FILED MARCH 17, 1997

ADOPTED (P.638)

3-17-97

SENATE FILE 280

S-3134

- 1 Amend Senate File 280 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "information" the following: "in writing".

By TOM VILSACK

S-3134 FILED MARCH 17, 1997

LOST (P.630)

SENATE FILE 280

S-3118

- 1 Amend Senate File 280 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "information." the following: "However, the immunity
- 4 provided pursuant to this section shall not apply if
- 5 an employer or prospective employer discriminates or
- 6 retaliates against an employee or prospective employee
- 7 based upon information provided about the employee
- 8 that the employee has exercised, or is believed to
- 9 have exercised, any right conferred by state or
- 10 federal law or has undertaken any action encouraged by
- 11 the public policy of this state."

By TOM VILSACK

S-3118 FILED MARCH 6, 1997

Lost 3-17-97
(P.622)

H. 3/19/97 Judiciary

SENATE FILE 280
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 139)
(AS AMENDED AND PASSED BY THE SENATE MARCH 17, 1997)

~~_____~~ - New Language by the Senate

Passed Senate, Date _____ Passed House, Date 4-10-97 (P. 1149)
Vote: Ayes _____ Nays _____ Vote: Ayes 70 Nays 28
Approved May 26, 1997

A BILL FOR

1 An Act providing immunity from civil liability for an employer or
2 employer's representative who acts reasonably in providing
3 work-related information about a current or former employee of
4 the employer.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SENATE FILE 280

H-1675

1 Amend Senate File 280, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 10, by inserting after the word
4 "information." the following: "However, the immunity
5 provided pursuant to this section shall not apply if
6 an employer discriminates or retaliates against an
7 employee for exercising any legal right related to the
8 employment."

By KREIMAN of Davis

H-1675 FILED APRIL 10, 1997

LOST 4-10-97

(P. 1148)

S.F. 280

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1 Section 1. NEW SECTION. 91B.2 INFORMATION PROVIDED BY
2 EMPLOYERS ABOUT CURRENT OR FORMER EMPLOYEES -- IMMUNITY.

3 1. An employer or an employer's representative who, upon
4 request by or authorization of a current or former employee or
5 upon request made by a person who in good faith is believed to
6 be a representative of a prospective employer of a current or
7 former employee, provides work-related information about a
8 current or former employee, is immune from civil liability
9 unless the employer or the employer's representative acted
10 unreasonably in providing the work-related information.

11 2. For purposes of this section, an employer acts
12 unreasonably if any of the following are present:

13 a. The work-related information violates a civil right of
14 the current or former employee.

15 b. The work-related information knowingly is provided to a
16 person who has no legitimate and common interest in receiving
17 the work-related information.

18 c. The work-related information is not relevant to the
19 inquiry being made, is provided with malice, or is provided
20 with no good faith belief that it is true.

21 3. For purposes of this section, "employer" and "employee"
22 are defined as provided in section 91A.2.

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3. For purposes of this section, "employer" and "employee" are defined as provided in section 91A.2.

SENATE FILE 280

AN ACT

PROVIDING IMMUNITY FROM CIVIL LIABILITY FOR AN EMPLOYER OR EMPLOYER'S REPRESENTATIVE WHO ACTS REASONABLY IN PROVIDING WORK-RELATED INFORMATION ABOUT A CURRENT OR FORMER EMPLOYEE OF THE EMPLOYER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 91B.2 INFORMATION PROVIDED BY EMPLOYERS ABOUT CURRENT OR FORMER EMPLOYEES -- IMMUNITY.

1. An employer or an employer's representative who, upon request by or authorization of a current or former employee or upon request made by a person who in good faith is believed to be a representative of a prospective employer of a current or former employee, provides work-related information about a current or former employee, is immune from civil liability unless the employer or the employer's representative acted unreasonably in providing the work-related information.

2. For purposes of this section, an employer acts unreasonably if any of the following are present:

- a. The work-related information violates a civil right of the current or former employee.
- b. The work-related information knowingly is provided to a person who has no legitimate and common interest in receiving the work-related information.
- c. The work-related information is not relevant to the inquiry being made, is provided with malice, or is provided with no good faith belief that it is true.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 280, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved May 26, 1997

TERRY E. BRANSTAD
Governor

SF 280