

2/15/95 (P. 445) Do Pass W/ H-3106
4/10/95 Referred back to Labor + Ind. Rel.
1-31-95 Do Pass

REPRINTED

JAN 23 1995

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 61
BY BRUNKHORST and WEIDMAN

Passed House, ^(P. 618) Date 3-11-96 Passed Senate, Date _____
Vote: Ayes 64 Nays 32 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing immunity from civil liability for an employer
2 who in good faith discloses information about a current or
3 former employee of the employer.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 61

CONTINUED

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

3 An employer who, upon request by a current or former
4 employee, or by a prospective employer of a current or former
5 employee, provides fair and unbiased information about a
6 current or former employee's job performance is presumed to be
7 acting in good faith and shall be immune from civil liability
8 for such disclosure and the consequences of such disclosure.
9 For purposes of this section, the presumption of good faith is
10 rebutted upon a showing by clear and convincing evidence that
11 the information disclosed was knowingly false, deliberately
12 misleading, disclosed for a malicious purpose, or violative of
13 a civil right of the employee. For purposes of this section,
14 "employer" and "employee" are defined as provided in section
15 91A.2.

16 EXPLANATION

17 This bill provides immunity for an employer who in good
18 faith provides fair and unbiased information about a current
19 or former employee upon the request of that employee or that
20 employee's prospective employer. The presumption of good
21 faith can be rebutted upon clear and convincing evidence that
22 the information is knowingly false, maliciously disclosed, or
23 for other reasons.

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HOUSE FILE 61

H-3106

- 1 Amend House File 61 as follows:
- 2 1. Page 1, line 5, by striking the words "fair
- 3 and unbiased information" and inserting the following:
- 4 "work-related information in writing".
- 5 2. Page 1, line 6, by striking the words
- 6 "employee's job performance" and inserting the
- 7 following: "employee".
- 8 3. Page 1, by inserting after line 8 the
- 9 following: "The employer who provides information in
- 10 writing about a current or former employee shall send
- 11 a copy of the information provided to the current or
- 12 former employee at that employee's last known
- 13 address."
- 14 4. Page 1, line 10, by striking the words "clear
- 15 and convincing" and inserting the following: "a
- 16 preponderance of the".

By COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS
TYRRELL of Iowa, Chairperson

H-3106 FILED FEBRUARY 15, 1995

Adopted 3-11-96 (P 618)

HOUSE FILE 61

H-3190

- 1 Amend House File 61 as follows:
- 2 1. Page 1, line 2, by striking the word "--
- 3 IMMUNITY".
- 4 2. Page 1, line 3, by striking the word "who".
- 5 3. Page 1, by striking lines 5 through 13 and
- 6 inserting the following: "employee, shall provide a
- 7 truthful statement in writing of the employee's or
- 8 former employee's job performance as supported by the
- 9 individual's personnel file. A copy of the statement
- 10 shall be mailed to the last known address of the
- 11 employee or former employee if the request is made by
- 12 a prospective employer. For purposes of this
- 13 section,".
- 14 4. Title page, by striking lines 1 and 2 and
- 15 inserting the following: "An Act providing for the
- 16 disclosure of information about a current or".

By RUNNING of Linn

H-3190 FILED FEBRUARY 23, 1995

Lost 3-11-96 (P 618)

S. 3/12/96 Judiciary
S-3/19/96 Do Pass and
Amend W 5424
5-4/1/96 Judiciary

HOUSE FILE 61
BY BRUNKHORST and WEIDMAN

(As Amended and Passed by the House, March 11, 1996)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing immunity from civil liability for an employer
2 who in good faith discloses information about a current or
3 former employee of the employer.

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

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HOUSE FILE 61

S-5424

1 Amend House File 61, as amended, passed, and
2 reprinted, by the House, as follows:
3 1. Page 1, lines 6 and 7, by striking the words
4 "presumed to be acting in good faith and shall be".
5 2. Page 1, line 7, by inserting after the word
6 "liability" the following: ", if the employer acted
7 reasonably in providing the work-related
8 information,".
9 3. Page 1, by striking lines 12 through 17 and
10 inserting the following: "last known address. For
11 purposes of this section, an employer acts reasonably
12 if all of the following are present:
13 1. The information provided is accurate.
14 2. The information does not violate the civil
15 rights of the employee.
16 3. The information is provided in writing to the
17 employee within three days prior to the disclosure and
18 the employee raises no objections to the accuracy of
19 the information.
20 For purposes of this section, "employer" and".

By COMMITTEE ON JUDICIARY
RANDAL J. GIANNETTO, Chairperson

S-5424 FILED MARCH 19, 1996

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

3 An employer who, upon request by a current or former
4 employee, or by a prospective employer of a current or former
5 employee, provides work-related information in writing about a
6 current or former employee is presumed to be acting in good
7 faith and shall be immune from civil liability for such
8 disclosure and the consequences of such disclosure. The
9 employer who provides information in writing about a current
10 or former employee shall send a copy of the information
11 provided to the current or former employee at that employee's
12 last known address. For purposes of this section, the
13 presumption of good faith is rebutted upon a showing by a
14 preponderance of the evidence that the information disclosed
15 was knowingly false, deliberately misleading, disclosed for a
16 malicious purpose, or violative of a civil right of the
17 employee. For purposes of this section, "employer" and
18 "employee" are defined as provided in section 91A.2.

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