

JAN 24 1997
LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 73
BY MARTIN, BRUNKHORST, BRADLEY,
KREMER, DINKLA, MILLAGE,
LARSON, SIEGRIST, VAN FOSSEN,
WEIDMAN, and HOLMES

(COMPANION TO LSB 1205SS
BY KRAMER)

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 acts reasonably in providing information about a current
3 or former employee of the employer.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

HF 73

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 honest
20 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 or
33 truthful or is disclosed with malice.

34

35