

SECOND REGULAR SESSION

SENATE BILL NO. 520

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BENTLEY.

Pre-filed December 1, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2389.011

AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to employer references.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 290, RSMo, is amended by adding thereto one new section, to be known as section 290.147, to read as follows:

290.147. 1. Unless otherwise prohibited by federal law, an employer, or an employer's designee, who responds in writing to a written request concerning a current or former employee from a prospective employer of that employee, may disclose the following information:

- (1) Date and duration of employment;**
- (2) Pay level;**
- (3) Job description and duties;**
- (4) Wage history;**
- (5) A written employee evaluation prepared prior to the employee's separation from the employer which:**
 - (a) The employee had acknowledged in writing;**
 - (b) Shall include any written employee response to the evaluation; and**
 - (c) Shall be provided to the employee upon request; and**
 - (6) Whether the employee was voluntarily or involuntarily released from service and the reasons for the separation.**

2. An employer, or an employer's designee, who discloses information as provided in subsection 1 of this section, is presumed to be acting in good faith and, unless lack of good faith is shown, is immune from civil liability for such disclosure or its consequences. For purposes of this section, the presumption of good faith is rebutted only if it can be shown that the employer knowingly disclosed false and

deliberately misleading information.

3. The provisions of this section shall apply regardless of whether the employee becomes employed by the prospective employer prior to receipt of the former employer's written response.

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