

FIRST REGULAR SESSION

SENATE BILL NO. 101

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BENTLEY.

Pre-filed December 1, 1998, and 1,000 copies ordered printed.

S0268.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 290.140, RSMo 1994, relating to the disclosure of employment information, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 290.140, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 290.140, to read as follows:

290.140. 1. [Whenever any employee of any corporation doing business in this state and which employs seven or more employees, who shall have been in the service of said corporation for a period of at least ninety days, shall be discharged or voluntarily quit the service of such corporation and who thereafter within a reasonable period of time, but not later than one year following the date the employee was discharged or voluntarily quit, requests in writing by certified mail to the superintendent, manager or registered agent of said corporation, with specific reference to the statute,] **For the purposes of this section, "employer" means any individual, organization, partnership, corporation or other legal entity, which has or had in the entity's employ one or more individuals performing services for the entity within this state.**

2. Any employee who has been in the service of such employer for a period of at least ninety days may request a letter of dismissal from an employer which shall include the following information:

- (1) Date and duration of employment;**
- (2) Pay level;**
- (3) Job description and duties;**
- (4) Wage history; and**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

(5) Whether the employee was voluntarily or involuntarily released from service and the reasons for the separation.

If the employee has been discharged or voluntarily quit the service of the employer and the employee makes the request in writing by certified mail to the supervisor, manager or registered agent of the employer, with specific reference to this statute and within a reasonable period of time, but not later than two years following the date the employee was discharged or voluntarily quit, it shall be the duty of the [superintendent] supervisor or manager of [said corporation] such employer to issue to such employee, within forty-five days after the receipt of such request, a letter, duly signed by such [superintendent] supervisor or manager, setting forth the [nature and character of service rendered by such employee to such corporation and the duration thereof, and truly stating for what cause, if any, such employee was discharged or voluntarily quit such service] information specified in subdivisions (1) to (5) of this subsection.

[2.] 3. Any [corporation which] employer who violates the provisions of subsection [1] 2 or 4 of this section shall be liable for compensatory but not punitive damages but in the event that the evidence establishes that the employer did not issue [the requested letter, said] any letter pursuant to subsection 2 of this section, such employer may be liable for nominal and punitive damages; but no award of punitive damages [under] pursuant to this section shall be based upon the content of any [such letter] response pursuant to this section.

4. Unless otherwise provided by federal law, an employer, as defined in subsection 1 of this section who responds in writing to a written request concerning a current or former employee from a prospective employer of that employee, may respond and disclose the following information:

(1) Date and duration of employment;

(2) Pay level;

(3) Job description and duties;

(4) Wage history; and

(5) Whether the employee was voluntarily or involuntarily released from service and the reasons for the separation.

The provisions of this subsection shall apply regardless of whether the employee becomes employed by the prospective employer prior to receipt of the former employer's written response. The information provided pursuant to this subsection shall be consistent with the content of the letter of dismissal provided pursuant to subsection 2 of this subsection for the same employee.

5. The employer shall send a copy of any letter provided pursuant to subsection 4 of this section to the current employee or former employee at the employee's last known address.

6. For purposes of this section, an employer, as defined in subsection 1 of this

section, or any person delegated to act on the employer's behalf is immune from civil liability for any response made pursuant to this section, or any consequences of such response, unless such response was false and made with knowledge that it was false or with reckless disregard for whether such response was true or false at a time when the employer had serious doubt whether such response was true.

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