

FIRST REGULAR SESSION

SENATE BILL NO. 155

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KINDER.

Pre-filed December 3, 1998, and 1,000 copies ordered printed.

S0635.011

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Section A. Section 290.140, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 290.140, to read as follows: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, including the legal representatives or agents thereof, which has or had in its employ one or more individuals performing services for it within this state.**

2. Any employee who has been in the service of an employer for a period of at least ninety days may request a letter from such 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 makes the request in writing by certified mail to the employer or the employer's designee, with specific reference to this statute and not later than one year following the date the employee was discharged or voluntarily quit it shall be the duty of the [superintendent or manager of said corporation] **employer or an employer's designee** to issue to such employee, within forty-five days after the receipt of such request, a letter, duly signed by such [superintendent or manager] **employer or employer's designee**, setting forth the **information specified in subdivisions (1) to (5) of this subsection** [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].

[2.] Any [corporation] **employer** which violates the provisions of **this** subsection [1 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 employer may be liable for nominal and punitive damages; but no award of punitive damages under this section shall be based upon the content of any such letter.

3. Unless otherwise provided 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; 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 under subsection 1 of this section for the same employee.

4. An employer, or an employer's designee, who discloses information as provided in 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 information.

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