

SECOND REGULAR SESSION

HOUSE BILL NO. 1318

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor),
EMERY AND CUNNINGHAM (86) (Co-sponsors).

Pre-filed December 3, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3474L.01I

AN ACT

To amend chapter 285, RSMo, by adding thereto one new section relating to the disclosure of employment information.

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

Section A. Chapter 285, RSMo, is amended by adding thereto one new section, to be
2 known as section 285.030, to read as follows:

285.030. 1. An employer or any person employed by the employer who discloses
2 information about a current or former employee's job performance to a prospective
3 employer shall be presumed to be acting in good faith. Unless lack of good faith is shown,
4 the employer shall be immune from civil liability for such disclosure or its consequences.
5 For purposes of this section, the presumption of good faith may be rebutted upon a
6 showing that the information disclosed by such employer was knowingly false, was
7 deliberately misleading, or was rendered with malicious purpose; or that the information
8 was disclosed in violation of a nondisclosure agreement, or was otherwise confidential
9 according to applicable federal, state, or local statute, rule, or regulation. As used in this
10 section, "employer" means any individual, organization, partnership, political subdivision,
11 corporation, or other legal entity which has or had in the entity's employ one or more
12 individuals performing services for the entity within this state.

13 2. For purposes of this section, the word "information" includes but shall not be
14 limited to the following:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **(1) Information about an employee's or former employee's job performance or**
16 **work-related characteristics;**

17 **(2) Any act committed by such employee which would constitute a violation of**
18 **federal, state, or local law; or**

19 **(3) An evaluation of the ability or lack of ability of such employee or former**
20 **employee to accomplish or comply with the duties or standards of the position held by such**
21 **employee or former employee.**

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