

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1972 Session of 1995

INTRODUCED BY WOGAN, BATTISTO, GEIST, FARGO, J. TAYLOR, MERRY, O'BRIEN, WALKO, FICHTER, ALLEN, SCHRODER AND MILLER, SEPTEMBER 1, 1995

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 12, 1996

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, authorizing immunity for  
3 employers who disclose certain information regarding former  
4 employees. <—

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 8339.1. Employer immunity from liability from RELATING TO <—  
10 disclosure of information regarding <—  
11 former employees EMPLOYEE INFORMATION. <—

12 An employer who discloses information about a CURRENT OR <—  
13 former employee's job performance to a prospective employer of  
14 the CURRENT OR former employee upon request of the prospective <—  
15 employer or of the CURRENT OR former employee is presumed to be <—  
16 acting in good faith and, unless lack of good faith is shown by  
17 clear and convincing evidence, is immune from civil liability  
18 for such disclosure or its consequences. For purposes of this <—

1 ~~section, the presumption of good faith is rebutted upon a~~  
2 ~~showing that the information disclosed by the former employer~~  
3 ~~was knowingly false or deliberately misleading, was rendered~~  
4 ~~with malicious purpose or violated any civil right of the former~~  
5 ~~employee.~~ FOR PURPOSES OF THIS SECTION, THE PRESUMPTION OF GOOD FAITH IS REBUTTED UPON A SHOWING THAT THE EMPLOYER DISCLOSED INFORMATION THAT: <—

- 8           (1) THE EMPLOYER KNEW WAS FALSE;
- 9           (2) THE EMPLOYER KNEW WAS DELIBERATELY MISLEADING;
- 10          (3) WAS RENDERED WITH AN IMPROPER PURPOSE; OR
- 11          (4) WAS RENDERED WITH RECKLESS DISREGARD AS TO THE TRUTH  
12          OR FALSITY OF THE INFORMATION.

13          Section 2. This act shall take effect in 60 days.