

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 212 Session of
1997INTRODUCED BY PUNT, DELP, THOMPSON AND ARMSTRONG,
JANUARY 24, 1997

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 27, 1997

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 CURRENT <—
4 OR former 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 disclosure of
10 information regarding CURRENT OR former employees. <—

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

1 ~~showing that the information~~ ITS CONSEQUENCES, UNLESS THE <—
2 INFORMATION disclosed by THE CURRENT OR the former employer was <—
3 knowingly false or deliberately misleading, was rendered with
4 malicious purpose or violated any civil right of the CURRENT OR <—
5 former employee.

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