

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 338 Session of
1997

INTRODUCED BY WOGAN, HENNESSEY, KENNEY, MAITLAND, L. I. COHEN,
FARGO, ARMSTRONG, MILLER, GEIST, TRELLO, STERN, VANCE,
McGILL, KREBS, RAYMOND, PETTIT, STABACK, CARONE, TULLI,
READSHAW, FICHTER, LYNCH, DENT, E. Z. TAYLOR, FAIRCHILD,
MICHLOVIC, SCHRODER, SHANER, STEIL, COLAFELLA, KELLER AND
J. TAYLOR, FEBRUARY 10, 1997

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 28, 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 relating to disclosure of CURRENT <—
10 OR FORMER employee information.

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 former employee is presumed to be
15 acting in good faith and, unless lack of good faith is shown by
16 clear and convincing evidence, is immune from civil liability

1 for such disclosure or its consequences. For purposes of this
2 section, the presumption of good faith is rebutted upon a
3 showing that the employer disclosed information that:

4 (1) the employer knew was false;

5 (2) the employer knew was deliberately misleading;

6 (3) was rendered with an improper purpose; or <—

7 (4) was rendered with reckless disregard as to the truth
8 or falsity of the information; OR <—

9 (5) VIOLATED OR INTERFERED WITH ANY CIVIL, COMMON LAW OR
10 STATUTORY RIGHT OF THE CURRENT OR FORMER EMPLOYEE.

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