

AMENDMENTS TO LB 959

Introduced by Business and Labor

1 1. Strike the original sections and insert the following
2 section:

3 Section 1. (1)(a) A current or former employer may
4 disclose the following information about a current or former
5 employee's employment history to a prospective employer of the
6 current or former employee upon receipt of written consent from the
7 current or former employee:

8 (i) Date and duration of employment;

9 (ii) Pay rate and wage history on the date of receipt of
10 written consent;

11 (iii) Job description and duties;

12 (iv) The most recent written performance evaluation
13 prepared prior to the date of the request;

14 (v) Attendance information;

15 (vi) Results of drug or alcohol tests administered within
16 one year prior to the request;

17 (vii) Threats of violence, harassing acts, or threatening
18 behavior related to the workplace or directed at another employee;

19 (viii) Whether the employee was voluntarily or
20 involuntarily separated from employment and the reasons for the
21 separation; and

22 (ix) Whether the employee is eligible for rehire.

23 (b) The current or former employer disclosing such

1 information shall be presumed to be acting in good faith and
2 shall be immune from civil liability for the disclosure or any
3 consequences of such disclosure unless the presumption of good
4 faith is rebutted upon a showing by a preponderance of the evidence
5 that the information disclosed by the current or former employer
6 was false, and the current or former employer had knowledge of its
7 falsity or acted with malice or reckless disregard for the truth.

8 (2) (a) The consent required in subsection (1) of this
9 section shall be on a separate form from the application form
10 or, if included in the application form, shall be in bold letters
11 and in larger typeface than the largest typeface in the text of
12 the application form. The consent form shall state, at a minimum,
13 language similar to the following:

14 I, (applicant), hereby give consent to any and all
15 prior employers of mine to provide information with regard to my
16 employment with prior employers to (prospective employer).

17 (b) The consent must be signed and dated by the
18 applicant.

19 (c) The consent will be valid only for the length of
20 time that the application is considered active by the prospective
21 employer but in no event longer than six months.

22 (3) This section shall also apply to any current or
23 former employee, agent, or other representative of the current
24 or former employer who is authorized to provide and who provides
25 information in accordance with this section.

26 (4) (a) This section does not require any prospective
27 employer to request employment history on a prospective employee

1 and does not require any current or former employer to disclose
2 employment history to any prospective employer.

3 (b) Except as specifically amended in this section, the
4 common law of this state remains unchanged as it relates to
5 providing employment information on current and former employees.

6 (c) This section applies only to causes of action
7 accruing on and after the effective date of this act.

8 (5) The immunity conferred by this section shall not
9 apply when an employer discriminates or retaliates against an
10 employee because the employee has exercised or is believed to have
11 exercised any federal or state statutory right or undertaken any
12 action encouraged by the public policy of this state.