

**HOUSE BILL NO. 441**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVES GRUENBERG, Choquette, Baker, Koponen, MacLean, Sharp**

**Introduced: 2/5/92**

**Referred: Labor & Commerce, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the disclosure of information by an employer about the job  
2 performance of an employee or former employee."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 09.65 is amended by adding a new section to read:

5           Sec. 09.65.160. **JOB REFERENCES.** An employer who discloses information about the  
6 job performance of an employee or former employee to a prospective employer of the employee  
7 or former employee at the request of the prospective employer or the employee or former  
8 employee is presumed to be acting in good faith and, unless lack of good faith is shown by a  
9 preponderance of the evidence, may not be held liable for the disclosure or its consequences.  
10 For purposes of this section, the presumption of good faith is rebutted upon a showing that the  
11 information disclosed by the former employer was knowingly false or deliberately misleading,  
12 was given with a malicious purpose, or violated a civil right of the employee or former employee  
13 that is protected under AS 18.80 or under federal law.