

CS FOR HOUSE BILL NO. 147(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/30/93
Referred: Rules

Sponsor(s): REPRESENTATIVES MACLEAN, Phillips, Porter

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
6 about the job performance of an employee or former employee to a prospective
7 employer of the employee or former employee at the request of the prospective
8 employer or the employee or former employee is presumed to be acting in good faith
9 and, unless lack of good faith is shown by a preponderance of the evidence, may not
10 be held liable for the disclosure or its consequences. For purposes of this section, the
11 presumption of good faith is rebutted upon a showing that the former employer

12 (1) recklessly, knowingly, or with a malicious purpose disclosed false
13 or deliberately misleading information; or

14 (2) disclosed information in violation of a civil right of the employee

1 or former employee that is protected under AS 18.80 or under federal law.