

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 959**

Introduced by Janssen, 15.

Read first time January 11, 2012

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to provide immunity to employers for

2 job references.

3 Be it enacted by the people of the State of Nebraska,

1           Section 1. Unless otherwise provided by law, an employer  
2 who discloses factual information about a current or former employee  
3 to a prospective employer of the employee shall have absolute  
4 immunity from civil liability. Absolute immunity applies to the  
5 disclosure of factual information, including dates of employment, pay  
6 level at the time of termination, job description and duties, and  
7 wage history.

8           Sec. 2. (1) Any employer who in good faith provides  
9 information about the job performance, conduct, or evaluation of a  
10 current or former employee to a prospective employer of the employee,  
11 at the request of a prospective employer or at the request of the  
12 current or former employee, shall not be held civilly liable for the  
13 disclosure or the consequences of disclosure. There shall be a  
14 presumption of good faith on the part of the employer, and such  
15 presumption shall be rebuttable only upon showing by clear and  
16 convincing evidence that the employer disclosed the information with  
17 actual malice or with deliberate intent to mislead.

18           (2) For purposes of this section, actual malice means  
19 that the information was given knowing it to be false or with a  
20 reckless disregard of whether it was true or false.