

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 450

Introduced by Ashford, 20

Read first time January 16, 2007

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to employment; to provide immunity for employer
- 2 disclosure of employment information as prescribed.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section:

2 (a) Employer means an individual, partnership, limited
3 liability company, corporation, or other business entity that
4 employs one or more employees, the state, and political
5 subdivisions. Employer includes any former supervisor of the
6 employer and any designee of the employer;

7 (b) Employee means any individual employed by an
8 employer;

9 (c) Evaluation means a written employee evaluation which
10 was conducted by the employer and signed by the employee, and
11 includes any written employee response to the evaluation, before
12 the employee's separation from the employer;

13 (d) Former employee means an individual who was
14 previously employed by an employer;

15 (e) Job performance includes attendance, attitude,
16 awards, demotions, duties, effort, evaluations, knowledge, skills,
17 promotions, and disciplinary actions;

18 (f) Prospective employer means any employer to which
19 a prospective employee has made application, either oral or
20 written, or forwarded a resume or other correspondence expressing
21 an interest in employment; and

22 (g) Prospective employee means any person who has made an
23 application, either oral or written, or has sent a resume or other
24 correspondence to a prospective employer indicating an interest in
25 employment.

1 (2) An employer who responds in writing to a written
2 request concerning a current employee or former employee from a
3 prospective employer of that employee shall be immune from civil
4 liability for disclosure of the following information:

5 (a) Written employee evaluations;

6 (b) Official personnel notices that formally record the
7 reasons for separation;

8 (c) Whether the employee was voluntarily or involuntarily
9 released from service and the reason for the separation; and

10 (d) Information about job performance.

11 (3) An employer shall provide an employee or former
12 employee, upon written request, a copy of any of the information
13 described in subsection (2) of this section prior to or after any
14 request from a prospective employer.

15 (4) This section does not apply to an employer who
16 knowingly or recklessly releases or discloses false information.