

**ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012**  
**COMMITTEE STATEMENT**  
**LB959**

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**Hearing Date:** Monday February 06, 2012  
**Committee On:** Business and Labor  
**Introducer:** Janssen  
**One Liner:** Provide immunity to employers for job references

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 5 Senators Ashford, Carlson, Harr, Lathrop, Smith  
**Nay:** 2 Senators Cook, Wallman  
**Absent:**  
**Present Not Voting:**

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**Proponents:**

Charlie Janssen  
Stephen Sexton  
Andrew Kresha

Lana Brodersen  
Michael Kuhns  
Bob Hallstrom

John Bonaiuto  
Chris Hedican  
Andy Pollock  
Ron Sedlacek  
Scott Messersmith

**Representing:**

Introducer  
Fremont Public Schools  
Fremont Area Medical Center and Management Association  
Fremont Beef Company  
ARPS RED-E Mix Inc.  
Nebraska Bankers Association, National Federation of Independent Business, Nebraska Pharmacists Association  
NAJB  
Society of Human Resource Management of Nebraska  
Nebraska Transportation Association  
Nebraska Chamber of Commerce  
Columbus Community Hospital

**Opponents:**

Kathleen Neary  
Steve Howard

**Representing:**

Nebraska Association of Trial Attorneys  
Nebraska State AFL-CIO

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Employer job reference immunity. LB 959 provides for absolute civil immunity for current and previous employers providing dates of employment, pay level, job description, and wage history information to prospective employers. Creates a rebuttable presumption of good faith on the part of the employer providing information concerning job performance and evaluation to a prospective employer. Defines actual malice as providing information knowing it to be false or with reckless disregard as to its truth or falsity.

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**Explanation of amendments:**

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AM 2010 replaces the bill and is based on Arkansas law. AM 2010 allows a current or former employer to provide certain information to a prospective employer upon written consent of the prospective employee. Information that may be provided includes: employment date and duration, pay rate and wage history, job description and duties, most recent written performance evaluation, attendance information, drug and alcohol test results, threatening or harassing behavior, and whether the employee is eligible for rehire. An employer providing this information pursuant to a written consent shall be immune from civil liability and presumed to be acting in good faith. The good faith presumption may be rebutted upon a showing by a preponderance of the evidence that the information was false and known to be false or the employer acted with malice or reckless disregard for the truth.

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Steve Lathrop, Chairperson