

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Knoblach and others

**Subject:** Job reference liability

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### Overview

The bill limits the civil liability of private and public employers for disclosing information on current and former employees consistent with the bill.

#### Section

**1 School district or charter school disclosure.** Amends the law that requires that if (1) a school district or charter school asks about a current or former employee, and (2) the employee gives written consent, a school administrator must disclose acts of violence or sexual contact with a student. Provides that acts must be disclosed if documented by an investigation and resulted in the individual's resignation.

**2 Employment references.**

**Subd. 1. Definitions.**

**Subd. 2. Causes of action limited.** Provides that no action may be maintained against a private or public employer for disclosing information about a current or former employee to a prospective employer or employment agency as provided in subdivisions 3 to 5 unless the employee provides clear and convincing evidence that (1) the information was false and defamatory; (2) the employer knew or should have known it was false and acted with malicious intent to injure the current or former employee; and (3) the prospective employer actually relied on the information in a way that damaged the current or former employee.

**Subd. 3. Employment reference disclosure by private employers.** Subdivision 2 applies to disclosure of the employee's dates of employment; pay history; job

## Section

description and duties; training and education provided by the employer; acts of violence, theft, harassment, or illegal conduct documented in the personnel record if those acts resulted in disciplinary action or resignation, and the employee's written response, if any, in the personnel record.

Requires disclosure of acts of violence, theft, or harassment to be written.

Provides that subdivision 2 also applies to written disclosure by a private employer of the following information: written employee evaluations and employee responses contained in the personnel record; written disciplinary warnings and actions in the five years before the date of the authorization and written employee responses contained in the personnel record; and reasons for separation from employment. For the disclosures in this paragraph, the employer must provide the employee with a copy of the information disclosed and to whom it was disclosed, if the employee's written authorization includes a mailing address.

**Subd. 4. Disclosure of personnel data by public employer.** Provides that subdivision 2 applies to disclosures by public employers if a current or former employee gives written consent to the release of the following: written employee evaluations and employee responses contained in the personnel record; and reasons for separation from employment.

**Subd. 5. School district disclosure of violence or inappropriate sexual contact.** Provides that subdivision 2 applies to school district and charter school disclosures to another school district or charter school of (1) public personnel data on acts of violence/sexual contact with a student that resulted in disciplinary action; and (2) private personnel data described in section 1.

**Subd. 6. Application; relation to other laws.** States that the section does not affect common law (case law) limitations on liability and does not apply to an alleged violation of chapter 363 or other statute.

**3 Effective date.** August 1, 2003 for disclosures made on or after that date.