

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/28/13
A Bill

SENATE BILL 843

5 By: Senator Files
6 *By: Representative C. Douglas*
7

8 **For An Act To Be Entitled**

9 AN ACT TO AUTHORIZE SCHOOL DISTRICTS AND OFFICERS,
10 AGENTS, SERVANTS, AND EMPLOYEES OF SCHOOL DISTRICTS
11 TO DISCLOSE EMPLOYMENT INFORMATION WITH OR WITHOUT
12 THE CONSENT OF A CURRENT OR FORMER EMPLOYEE; AND FOR
13 OTHER PURPOSES.
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16 **Subtitle**

17 TO AUTHORIZE SCHOOL DISTRICTS AND
18 OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES
19 OF SCHOOL DISTRICTS TO DISCLOSE
20 EMPLOYMENT INFORMATION WITH OR WITHOUT
21 THE CONSENT OF A CURRENT OR FORMER
22 EMPLOYEE.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 11-3-204 is amended to read as follows:
28 11-3-204. Providing references to prospective employers.

29 (a)(1) A current or former employer may disclose the following
30 information about a current or former employee's employment history to a
31 prospective employer of the current or former employee upon receipt of
32 written consent from the current or former employee:

- 33 (A) Date and duration of employment;
34 (B) Current pay rate and wage history;
35 (C) Job description and duties;
36 (D) The last written performance evaluation prepared prior



- 1 to the date of the request;
- 2 (E) Attendance information;
- 3 (F) Results of drug or alcohol tests administered within
- 4 one (1) year prior to the request;
- 5 (G) Threats of violence, harassing acts, or threatening
- 6 behavior related to the workplace or directed at another employee;
- 7 (H) Whether the employee was voluntarily or involuntarily
- 8 separated from employment and the reasons for the separation; and
- 9 (I) Whether the employee is eligible for rehire.

10 (2) A school district or an officer, an agent, a servant, or an
11 employee of a school district may disclose the information under subdivision
12 (a)(1)(A)-(I) of this section and any additional information that may have
13 some bearing upon the hiring of a current or former employee by a school
14 district with or without the written consent of the current or former
15 employee.

16 ~~(2)~~(3) The current or former employer disclosing ~~such the~~
17 information ~~shall be~~ is presumed to be acting in good faith and ~~shall be is~~
18 immune from civil liability for the disclosure or any consequences of ~~shall~~
19 ~~be the~~ disclosure unless the presumption of good faith is rebutted upon a
20 showing by a preponderance of the evidence that the information disclosed by
21 the current or former employer was false, and the current or former employer
22 had knowledge of its falsity or acted with malice or reckless disregard for
23 the truth.

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25 /s/Files

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28 **APPROVED: 04/10/2013**