

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1637

5 By: Representative Bennett
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For An Act To Be Entitled

8 AN ACT TO ALLOW EMPLOYER REFERENCES TO BE DELIVERED
9 IN VARIOUS MEDIA; TO CLARIFY THE TIMELINESS OF AN
10 EMPLOYMENT REFERENCE CONSENT FORM FOR AN EMPLOYEE WHO
11 REMAINS WITH AN EMPLOYER FOR LESS THAN SIX MONTHS;
12 AND FOR OTHER PURPOSES.
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Subtitle

15 TO ALLOW EMPLOYER REFERENCES TO BE
16 DELIVERED IN VARIOUS MEDIA; AND TO
17 CLARIFY THE TIMELINESS OF AN EMPLOYMENT
18 REFERENCE CONSENT FORM FOR AN EMPLOYEE
19 WHO REMAINS WITH AN EMPLOYER FOR LESS
20 THAN SIX MONTHS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 11-3-204(a) and (b), concerning immunity
27 from liability for providing references to prospective employers, are amended
28 to read as follows:

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

23 (4) The current or former employer disclosing the information
24 may present the information in a format convenient to the current or former
25 employer, including any electronic format.

26 (b)(1)(A) The consent required in subsection (a) of this section ~~must~~
27 shall be on a separate form from the application form or, if included in the
28 application form, ~~must~~ shall be in bold letters and in larger typeface than
29 the largest typeface in the text of the application form.

30 (B) The consent form ~~must~~ shall state, at a minimum,
31 language similar to the following:

32 "I, (applicant), hereby give consent to any and all prior employers of mine
33 to provide information with regard to my employment with prior employers to
34 (prospective employer)."

35 (2) The consent ~~must~~ shall be signed and dated by the applicant.

36 (3)(A) The consent ~~will~~ shall be valid only for the length of

1 time that the application is considered active by the prospective employer.

2 (B) If the applicant is hired and remains with the new
3 employer for longer than six (6) months, the consent shall be valid for ~~but~~
4 ~~in no event~~ no longer than six (6) months.

5 (C) If the applicant is hired and remains with the new
6 employer for less than six (6) months, the consent shall be valid for six (6)
7 months after the termination of employment.

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10 **APPROVED: 04/02/2015**
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