

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

# A Bill

SENATE BILL 843

4  
5 By: Senator Files

## For An Act To Be Entitled

6  
7  
8 AN ACT TO AUTHORIZE SCHOOL DISTRICTS AND OFFICERS,  
9 AGENTS, SERVANTS, AND EMPLOYEES OF SCHOOL DISTRICTS  
10 TO DISCLOSE EMPLOYMENT INFORMATION WITH OR WITHOUT  
11 THE CONSENT OF A CURRENT OR FORMER EMPLOYEE; AND FOR  
12 OTHER PURPOSES.

## Subtitle

13  
14  
15  
16 TO AUTHORIZE SCHOOL DISTRICTS AND  
17 OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES  
18 OF SCHOOL DISTRICTS TO DISCLOSE  
19 EMPLOYMENT INFORMATION WITH OR WITHOUT  
20 THE CONSENT OF A CURRENT OR FORMER  
21 EMPLOYEE.

22  
23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25  
26 SECTION 1. Arkansas Code § 11-3-204 is amended to read as follows:

27 11-3-204. Providing references to prospective employers.

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

32 (A) Date and duration of employment;

33 (B) Current pay rate and wage history;

34 (C) Job description and duties;

35 (D) The last written performance evaluation prepared prior  
36 to the date of the request;



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

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

15 ~~(2)(3)~~ The current or former employer disclosing ~~such the~~ the  
 16 information ~~shall be~~ is presumed to be acting in good faith and ~~shall be~~ is  
 17 immune from civil liability for the disclosure or any consequences of ~~shall~~  
 18 ~~be~~ the disclosure unless the presumption of good faith is rebutted upon a  
 19 showing by a preponderance of the evidence that the information disclosed by  
 20 the current or former employer was false, and the current or former employer  
 21 had knowledge of its falsity or acted with malice or reckless disregard for  
 22 the truth.

23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36