

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*  
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## 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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## Subtitle

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.  
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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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*/s/Files*

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