

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 536

By: Sparks of the Senate

and

Denney of the House

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to employee information; amending 40  
12                   O.S. 2011, Section 61, which relates to disclosure of  
13                   employee job performance upon request; allowing a  
14                   public school to disclose employee job performance  
15                   information to another school district; providing an  
16                   effective date; and declaring an emergency.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18                   SECTION 1.           AMENDATORY           40 O.S. 2011, Section 61, is  
19 amended to read as follows:

20                   Section 61.   A.   An employer may disclose information about a  
21 current or former employee's job performance to a prospective  
22 employer of the current or former employee upon request of the  
23 prospective employer and with consent of the current or former  
24 employee, or upon request of the current or former employee.   A  
state agency, as defined in Section 840-2.5 of Title 74 of the

1 Oklahoma Statutes, and a public school, as defined in Section 1-106  
2 of Title 70 of the Oklahoma Statutes, may disclose information  
3 regarding a current or former employee's job performance to another  
4 state agency or another public school which is a prospective  
5 employer of the current or former employee without the employee's  
6 consent. The employer is presumed to be acting in good faith,  
7 unless lack of good faith is shown by a preponderance of the  
8 evidence. The current or former employer shall be immune from civil  
9 liability for the disclosure or any consequences of such disclosure  
10 unless the presumption of good faith is rebutted upon a showing that  
11 the information disclosed by the current or former employer was  
12 false and the employer providing the information had knowledge of  
13 its falsity or acted with malice or reckless disregard for the  
14 truth.

15 B. The provisions of this section shall apply to any employee,  
16 agent, or other representative of the current or former employer,  
17 including a state agency or public school, who is authorized to  
18 provide and who provides information in accordance with the  
19 provisions of this section.

20 C. Failure to comply with any provision of this section shall  
21 not give rise to any liability or causes of action which did not  
22 exist prior to July 1, 1995. This section shall only apply to  
23 causes of action accruing on and after July 1, 1995.

24 SECTION 2. This act shall become effective July 1, 2013.

1 SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/03/2013  
7 - DO PASS, As Amended.

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