

1 **SENATE FLOOR VERSION**

February 18, 2013

2 **AS AMENDED**

3 SENATE BILL NO. 536

By: Sparks of the Senate

4 and

5 Denney of the House

6
7 **[disclosure of employee information - allowing**
8 **public school to disclose information regarding job**
9 **performance - effective date -**
10 **emergency]**

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

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

13 Section 61. A. An employer may disclose information about a
14 current or former employee's job performance to a prospective
15 employer of the current or former employee upon request of the
16 prospective employer and with consent of the current or former
17 employee, or upon request of the current or former employee. A
18 state agency, as defined in Section 840-2.5 of Title 74 of the
19 Oklahoma Statutes, and a public school, as defined in Section 1-106
20 of Title 70 of the Oklahoma Statutes, may disclose information
21 regarding a current or former employee's job performance to another
22 state agency or another public school which is a prospective
23 employer of the current or former employee without the employee's
24 consent. The employer is presumed to be acting in good faith,

1 unless lack of good faith is shown by a preponderance of the
2 evidence. The current or former employer shall be immune from civil
3 liability for the disclosure or any consequences of such disclosure
4 unless the presumption of good faith is rebutted upon a showing that
5 the information disclosed by the current or former employer was
6 false and the employer providing the information had knowledge of
7 its falsity or acted with malice or reckless disregard for the
8 truth.

9 B. The provisions of this section shall apply to any employee,
10 agent, or other representative of the current or former employer,
11 including a state agency and public school, who is authorized to
12 provide and who provides information in accordance with the
13 provisions of this section.

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
24 February 18, 2013 - DO PASS AS AMENDED