

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 710

By: Sparks

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7 AS INTRODUCED

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

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

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

17 Section 61. A. An employer may disclose information about a
18 current or former employee's job performance to a prospective
19 employer of the current or former employee upon request of the
20 prospective employer and with consent of the current or former
21 employee, or upon request of the current or former employee. A
22 state agency, as defined in Section 840-2.5 of Title 74 of the
23 Oklahoma Statutes, and a public school, as defined in Section 1-106
24 of Title 70 of the Oklahoma Statutes, may disclose information
regarding a current or former employee's job performance to another

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

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

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

21 SECTION 2. This act shall become effective July 1, 2015.

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

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