

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/28/13
A Bill

SENATE BILL 843

By: Senator Files

By: Representative C. Douglas

For An Act To Be Entitled

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

Subtitle

TO AUTHORIZE SCHOOL DISTRICTS AND
OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES
OF SCHOOL DISTRICTS TO DISCLOSE
EMPLOYMENT INFORMATION WITH OR WITHOUT
THE CONSENT OF A CURRENT OR FORMER
EMPLOYEE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

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

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

- (A) Date and duration of employment;
- (B) Current pay rate and wage history;
- (C) Job description and duties;
- (D) The last written performance evaluation prepared prior



to the date of the request;

(E) Attendance information;

(F) Results of drug or alcohol tests administered within one (1) year prior to the request;

(G) Threats of violence, harassing acts, or threatening behavior related to the workplace or directed at another employee;

(H) Whether the employee was voluntarily or involuntarily separated from employment and the reasons for the separation; and

(I) Whether the employee is eligible for rehire.

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

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

/s/Files

APPROVED: 04/10/2013