

Senate Bill 707

Sponsored by Senator STARR (at the request of Dennis Griffiths)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that employer who discloses information about current or former employee's job performance to prospective employer of employee is presumed to be acting in good faith and immune from civil liability unless presumption is rebutted by clear and convincing evidence.

A BILL FOR AN ACT

1
2 Relating to employment; creating new provisions; and amending ORS 30.178.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 30.178 is amended to read:

5 30.178. (1) An employer who discloses information about a **current or** former employee's job
6 performance to a prospective employer of the [*former*] employee upon **the** request of the prospective
7 employer or of the [*former*] employee is presumed to be acting in good faith and[, *unless lack of good*
8 *faith is shown by a preponderance of the evidence,*] is immune from civil liability for [*such*] **the** dis-
9 closure or its consequences **unless the presumption is rebutted by clear and convincing evi-**
10 **dence.** For purposes of this section, the presumption of good faith is rebutted upon a showing that
11 the information disclosed by the employer was knowingly false or deliberately misleading, was ren-
12 dered with malicious purpose or violated any civil right of the [*former*] employee protected under
13 ORS chapter 659 or 659A.

14 (2) A civil action for defamation may not be maintained against an employer by an employee
15 who is terminated by the employer based on a claim that in seeking subsequent employment the
16 former employee will be forced to reveal the reasons given by the employer for the termination.

17 **SECTION 2.** **The amendments to ORS 30.178 by section 1 of this 2009 Act apply only to**
18 **disclosure of information about employees made on or after the effective date of this 2009**
19 **Act.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.