



HOUSE BILL No. 5137

September 26, 1995, Introduced by Reps. Law, Voorhees and DeMars and referred to the Committee on Human Resources and Labor.

A bill to limit the liability of employers under certain circumstances.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Employee" means an individual who as a volunteer or for
3 compensation provides an employer with his or her labor.

4 (b) "Employer" means a person who employs an individual for
5 compensation or who supervises an individual providing labor as a
6 volunteer.

7 (c) "Prospective employer" means a person to whom an
8 employee or former employee has submitted an application for
9 employment.

10 Sec. 2. An employer may disclose to an employee or that
11 individual's prospective employer information relating to the
12 individual's job performance upon the request of the individual

1 or his or her prospective employer. An employer who discloses
2 information under this section in good faith is immune from civil
3 liability for the disclosure. An employer is presumed to be
4 acting in good faith at the time of a disclosure under this sec-
5 tion unless a preponderance of the evidence establishes 1 or more
6 of the following:

7 (a) That the employer knew the information disclosed was
8 false or misleading.

9 (b) That the employer disclosed the information with a reck-
10 less disregard for the truth.

11 (c) That the disclosure was specifically prohibited by a
12 state or federal statute.