DISCLOSURE OF EMPLOYEE JOB PERFORMANCE
Act 90 of 1996

AN ACT to limit the liability of employers under certain circumstances.

History: 1996, Act 90, Imd. Eff. Feb. 27, 1996.

The People of the State of Michigan enact:

423.451 Definitions.

Sec. 1. As used in this act:

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

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

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

History: 1996, Act 90, Imd. Eff. Feb. 27, 1996.

423.452 Disclosure of information relating to employee's job performance; immunity; exception.

Sec. 2. An employer may disclose to an employee or that individual's prospective employer information relating to the individual's job performance that is documented in the individual's personnel file upon the request of the individual or his or her prospective employer. An employer who discloses information under this section in good faith is immune from civil liability for the disclosure. An employer is presumed to be acting in good faith at the time of a disclosure under this section unless a preponderance of the evidence establishes 1 or more of the following:

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

(b) That the employer disclosed the information with a reckless disregard for the truth.

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

History: 1996, Act 90, Imd. Eff. Feb. 27, 1996.

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