

## **BILL ANALYSIS**

Senate Research Center

H.B. 40  
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Jurisprudence  
5-9-97  
Engrossed

### **DIGEST**

Currently, Texas law hinders employers from sharing information with other employers as it relates to hiring practices. An employer risks suit for libel or violation of privacy if the employer engages in sharing information on hiring practices. If the employer does not share information with the prospective employer, then the employer runs the risk of being sued for withholding important information. This bill provides immunity to an employer for the truthful disclosure of information about a current or past employee.

### **PURPOSE**

As proposed, H.B. 40 provides immunity to an employer for the truthful disclosure of information about a current or past employee.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 3, Labor Code, by adding Chapter 103, as follows:

#### CHAPTER 103. DISCLOSURE BY EMPLOYER OF INFORMATION REGARDING CERTAIN EMPLOYEES OR FORMER EMPLOYEES

Sec. 103.001. DEFINITIONS. Defines "employee," "employer," "job performance," "prospective employee," and "prospective employer."

Sec. 103.002. AUTHORIZED DISCLOSURE. Authorizes disclosure of information about a current or former employee.

Sec. 103.003. INFORMATION PROVIDED TO APPLICANT FOR EMPLOYMENT. Requires an employer to provide to an applicant certain information by a certain date, on written request by an applicant.

Sec. 103.004. IMMUNITY FROM CIVIL LIABILITY; EMPLOYER REPRESENTATIVES. Sets forth provisions regarding immunity from civil liability and applicability of this section to employer representatives.

Sec. 103.005. EMPLOYMENT REFERENCE. Provides that this chapter does not require an employer to provide an employment reference to or about a current or former employee.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.