

1999 SESSION

HOUSE SUBSTITUTE

982000446

HOUSE BILL NO. 907

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 16, 1998)

(Patrons Prior to Substitute—Delegates Sherwood and Wilkins [HB 1313])

A *BILL* to amend of the Code of Virginia by adding a section numbered 8.01-46.1, relating to employment-related information.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-46.1 as follows:

§ 8.01-46.1. Disclosure of employment-related information; causes of action; definitions.

Any employer who, upon request by a person's prospective or current employer, provides information about a current or former employee's job performance, professional conduct or reasons for separation shall be immune from civil liability including, but not limited to, any action relating to the employer's negligence, provided such employer is not acting in bad faith or with gross negligence.

As used in this section, the following words and phrases shall have the following meanings:

"Employee" means any person, paid or unpaid, in the service of an employer.

"Employer" means any person, firm or corporation, including the Commonwealth of Virginia and its political subdivisions, and their agents, that has one or more employees or individuals performing services under any contract of hire or service, express or implied, oral or written.

"Job performance" includes, but is not limited to, ability, attendance, attitude, awards, demotions, duties, effort, evaluations, knowledge, skills, promotions, productivity and disciplinary actions.

"Professional conduct" includes, but is not limited to, the ethical standards which govern the employee's profession, or the professional conduct which is expected of the employee by the employer.

"Prospective employee" means any person who has made an application, either oral or written, or has sent a resume or other correspondence indicating an interest in employment.

"Prospective employer" means any employer to which a prospective employee has made application, either oral or written, or forwarded a resume or other correspondence expressing an interest in employment.

2. That the provisions of this act shall apply to any cause of action accruing on or after July 1, 1998.

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