



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 5137 (Substitute H-2 as reported without amendment)
Sponsor: Representative Gerald Law
House Committee: Human Resources and Labor
Senate Committee: Human Resources, Labor and Veterans Affairs

CONTENT

The bill would create a new act to provide that an “employer” could disclose to an “employee” or that person’s “prospective employer” information relating to the employee’s job performance that was documented in his or her personnel file, upon the request of the employee or his or her prospective employer. An employer who disclosed information under the bill in good faith would be immune from civil liability for that disclosure.

An employer would be presumed to be acting in good faith at the time of a disclosure unless a preponderance of the evidence established one or more of the following:

- The employer knew the information disclosed was false or misleading.
- The employer disclosed the information with a reckless disregard for the truth.
- The disclosure was specifically prohibited by a State or Federal statute.

“Employer” would mean a person who employed an individual for compensation or who supervised an individual providing volunteer labor; “employee” would mean an individual who, as a volunteer or for compensation, provided an employer with labor; and “prospective employer” would mean a person to whom an employee or former employee had submitted an application for employment.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 1-25-96

Fiscal Analyst: K. Lindquist