



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5137 (Substitute H-2)

Sponsor: Representative Gerald Law

House Committee: Human Resources and Labor

Senate Committee: Human Resources, Labor and Veterans Affairs

Date Completed: 11-27-95

SUMMARY OF HOUSE BILL 5137 (Substitute H-2) as passed by the House:

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.

Fiscal Analyst: K. Lindquist

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.