

ASSEMBLY BILL NO. 516—COMMITTEE ON EDUCATION
(ON BEHALF OF THE CLARK COUNTY SCHOOL DISTRICT)

MARCH 29, 2005

Referred to Committee on Judiciary

SUMMARY—Provides immunity from civil liability to employers for disclosing certain information concerning current or former employees to school districts and charter schools. (BDR 3-416)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to employment; providing immunity from civil liability for employers who disclose certain information regarding a current or former employee to a school district or charter school; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 41.755 is hereby amended to read as follows:
2 41.755 1. Except as otherwise provided in subsection ~~3~~, **4**,
3 an employer who, at the request of an employee, discloses
4 information regarding:
5 (a) The ability of the employee to perform his job;
6 (b) The diligence, skill or reliability with which the employee
7 carried out the duties of his job; or
8 (c) An illegal or wrongful act committed by the employee,
9 ➤ to a prospective employer of that employee is immune from civil
10 liability for such disclosure and its consequences.
11 2. ***Except as otherwise provided in subsection 4, if a school***
12 ***district or charter school requests information from an employer***
13 ***regarding an employee whom the school district or charter school***



1 *is considering for employment and the employer discloses*
2 *information regarding:*

- 3 (a) *The ability of the employee to perform his job;*
4 (b) *The diligence, skill or reliability with which the employee*
5 *carried out the duties of his job; or*
6 (c) *An illegal or wrongful act committed by the employee,*
7 *↳ to the school district or charter school, as applicable, the*
8 *employer is immune from civil liability for such disclosure and its*
9 *consequences.*

10 3. Except as otherwise provided in subsection ~~13.1~~ 4, an
11 employer who discloses information regarding an employee to a law
12 enforcement agency pursuant to NRS 239B.020 is immune from
13 civil liability for such disclosure and its consequences.

14 ~~13.1~~ 4. An employer is not immune from civil liability for a
15 disclosure made pursuant to subsection 1 or 2 or NRS 239B.020 , or
16 for the consequences of a disclosure made pursuant to subsection 1
17 or 2 or NRS 239B.020 , if the employer:

- 18 (a) Acted with malice or ill will;
19 (b) Disclosed information that he believed was inaccurate;
20 (c) Disclosed information which he had no reasonable grounds
21 for believing was accurate;
22 (d) Recklessly or intentionally disclosed inaccurate information;
23 (e) Deliberately disclosed misleading information; or
24 (f) Disclosed information in violation of a state or federal law or
25 in violation of an agreement with the employee.

26 ~~14.1~~ 5. As used in this section:

- 27 (a) "Employee" means a person who currently renders or
28 previously rendered time and services to an employer.
29 (b) "Employer" includes an employee or agent of an employer
30 who is authorized by the employer to disclose information regarding
31 an employee.

32 **Sec. 2.** This act becomes effective on July 1, 2005.

