EMPLOYMENT REFERENCES -- RELEASE OF INFORMATION REGARDING EMPLOYEES

The technology center receives phone calls and letters from prospective employers inquiring regarding current or former employee job performance. These inquiries are typically received regarding former technology center employees who are seeking employment. However, in some instances, inquiries relate to current employees who are seeking employment outside the technology center. Applicable law, related to employment references, provides:

An employer may disclose information about a current or former employee's job performance to a prospective employer of the current or former employee upon request of the prospective employer and with consent of the current or former employee, or upon request of the current or former employee. The employer is presumed to be acting in good faith, unless lack of good faith is shown by a preponderance of the evidence. The current or former employer shall be immune from civil liability for the disclosure unless the presumption of good faith is rebutted upon a showing that the information disclosed by the current or former employer was false and the employer providing the information had knowledge of its falsity or acted with malice or reckless disregard for the truth.

Accordingly, the technology center's response to requests for employment references shall be limited to confirmation that the individual is or was an employee of the technology center, the dates of employment, and the position held by the employee. No other information shall be furnished, as a part of an employment reference, unless the technology center receives a written consent to release information signed by the employee. All requests for employment references shall be directed to the human resources department. Employees may obtain forms appropriate for releasing information from the human resources department.

The technology center shall only release that information which is consented to by the employee or former employee unless the record or document sought is a public record. Accordingly, if the employee limits the consent to release records to certain named documents, then the technology center shall only provide the prospective employer with the materials or documents expressly identified in the release. In the event the technology center's representatives are unable to determine the materials or documents to be released because the release is unclear, the employee or the prospective employer will be advised that the release is unclear and no information will be released until the employee, in writing, delineates, to the satisfaction of the technology center, the material or documents covered by the employee's consent to the technology center's release of information.

Reference: OKLA. STAT. tit. 40 § 61