

# SENATE BILL NO. 1098

November 13, 2024, Introduced by Senators CHANG, SANTANA, MOSS, IRWIN, GEISS, ANTHONY, SHINK, MCMORROW, CAMILLERI and BAYER and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1978 PA 397, entitled "Bullard-Plawecki employee right to know act," by amending sections 7 and 9 (MCL 423.507 and 423.509), as amended by 2018 PA 521.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 7. An employer shall review a personnel record before  
2 releasing information to a third party and delete disciplinary  
3 reports, letters of reprimand, or other records of disciplinary  
4 action that are more than 4 years old. This section does not apply  
5 to any of the following circumstances:

1 (a) The release is ordered in a legal action to a party in  
2 that legal action.

3 (b) The release is ordered in an arbitration to a party in  
4 that arbitration.

5 (c) The release is ~~part of a~~ **any of the following:**

6 **(i) Part of a** record regarding the reason or reasons for, and  
7 circumstances surrounding, a separation of service under section 5  
8 of the law enforcement officer ~~separation of service record~~ **records**  
9 act, 2017 PA 128, MCL 28.565.

10 **(ii) A provisional service record created under section 6 of**  
11 **the law enforcement officer records act, 2017 PA 128, MCL 28.566.**

12 (d) The release is requested by the Michigan commission on law  
13 enforcement standards, a law enforcement training academy, or a law  
14 enforcement agency for the purpose of determining compliance with  
15 licensing standards and procedures under the Michigan commission on  
16 law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

17 Sec. 9. (1) If an employer has reasonable cause to believe  
18 that an employee is engaged in criminal activity that might result  
19 in loss or damage to the employer's property or disruption of the  
20 employer's business operation, and the employer is engaged in an  
21 investigation, then the employer may keep a separate file of  
22 information relating to the investigation. Upon completion of the  
23 investigation or after 2 years, whichever comes first, the employee  
24 must be notified that an investigation was or is being conducted of  
25 the suspected criminal activity described in this section. Upon  
26 completion of the investigation, if disciplinary action is not  
27 taken, the investigative file and all copies of the material in it  
28 must be destroyed.

29 (2) An employer that is a criminal justice agency and that is

1 involved in the investigation of an alleged criminal activity or  
2 the violation of an agency rule by an employee shall maintain a  
3 separate confidential file of information relating to the  
4 investigation. Upon completion of the investigation, if  
5 disciplinary action is not taken, the employee must be notified  
6 that an investigation was conducted. If the investigation reveals  
7 that the allegations are unfounded or unsubstantiated or if  
8 disciplinary action is not taken, the separate file must contain a  
9 notation of the final disposition of the investigation and  
10 information in the file must not be used in any future  
11 consideration for promotion, transfer, additional compensation, or  
12 disciplinary action. The employer may release information in the  
13 separate file to a prospective employing law enforcement agency if  
14 the information is part of a record regarding the reason or reasons  
15 for, and circumstances surrounding, a separation of service under  
16 section 5 of the law enforcement officer ~~separation of service~~  
17 ~~record-records~~ act, 2017 PA 128, MCL 28.565 **or included in a**  
18 **provisional service record created under section 6 of the law**  
19 **enforcement officer records act, 2017 PA 128, MCL 28.566.** The  
20 employer shall release information in the separate file to the  
21 Michigan commission on law enforcement standards upon the request  
22 of the Michigan commission on law enforcement standards.

23 Enacting section 1. This amendatory act does not take effect  
24 unless Senate Bill No. 1097 of the 102nd Legislature is enacted  
25 into law.