

**SUBSTITUTE FOR  
HOUSE BILL NO. 6116**

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:

6           (a) The release is ordered in a legal action to a party in  
7 that legal action.

8           (b) The release is ordered in an arbitration to a party in



1 that arbitration.

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

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

7 **(ii) A provisional service record created under section 6 of**  
8 **the law enforcement officer service records act, 2017 PA 128, MCL**  
9 **28.566.**

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

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

27 (2) An employer that is a criminal justice agency and that is  
28 involved in the investigation of an alleged criminal activity or  
29 the violation of an agency rule by an employee shall maintain a



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

21 Enacting section 1. This amendatory act does not take effect  
22 unless House Bill No. 6115 of the 102nd Legislature is enacted into  
23 law.

