

HOUSE BILL NO. 6116

November 14, 2024, Introduced by Reps. McKinney and Aiyash and referred to the Committee on Criminal Justice.

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. ____ or House Bill No. 6115 (request no.
25 01817'23 *) of the 102nd Legislature is enacted into law.