

SENATE BILL NO. 340

May 29, 2025, Introduced by Senators VICTORY, ANTHONY, IRWIN, CHANG, GEISS, SANTANA, MCMORROW, BAYER, SHINK, CAVANAGH and CAMILLERI and referred to 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

1 to any of the following circumstances:

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

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

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

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

11 **(ii) A provisional service record created under section 6 of**
12 **the law enforcement officer service records act, 2017 PA 128, MCL**
13 **28.566.**

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

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

1 must be destroyed.

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

25 Enacting section 1. This amendatory act does not take effect
26 unless Senate Bill No. 339 of the 103rd Legislature is enacted into
27 law.