

SB3588



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3588

Introduced 2/10/2010, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

820 ILCS 40/7

from Ch. 48, par. 2007

Amends the Personnel Record Review Act. Provides that an employer who receives a request for records of a disciplinary report, letter of reprimand, or other disciplinary action in relation to an employee under the Freedom of Information Act may provide notification to the employee in written form or through electronic mail, if available. Effective immediately.

LRB096 15672 RLC 36327 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Personnel Record Review Act is amended by
5 changing Section 7 as follows:

6 (820 ILCS 40/7) (from Ch. 48, par. 2007)

7 Sec. 7. (1) An employer or former employer shall not
8 divulge a disciplinary report, letter of reprimand, or other
9 disciplinary action to a third party, to a party who is not a
10 part of the employer's organization, or to a party who is not a
11 part of a labor organization representing the employee, without
12 written notice as provided in this Section.

13 (2) The written notice to the employee shall be by
14 first-class mail to the employee's last known address and shall
15 be mailed on or before the day the information is divulged.

16 (3) This Section shall not apply if:

17 (a) the employee has specifically waived written
18 notice as part of a written, signed employment application
19 with another employer;

20 (b) the disclosure is ordered to a party in a legal
21 action or arbitration; or

22 (c) information is requested by a government agency as
23 a result of a claim or complaint by an employee, or as a

1 result of a criminal investigation by such agency.

2 (4) An employer who receives a request for records of a
3 disciplinary report, letter of reprimand, or other
4 disciplinary action in relation to an employee under the
5 Freedom of Information Act may provide notification to the
6 employee in written form as described in subsection (2) or
7 through electronic mail, if available.

8 (Source: P.A. 83-1104.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.