

# SB2486



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2486

Introduced 2/26/2021, by Sen. Ram Villivalam

### SYNOPSIS AS INTRODUCED:

820 ILCS 40/7

from Ch. 48, par. 2007

Amends the Personnel Record Review Act. Provides that an individual aggrieved by a disclosure of a disciplinary report in violation of the Act may file a complaint with the Director of Labor or file an action in court within 7 years after the violation.

LRB102 16332 JLS 21719 b

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. Disclosure of disciplinary actions.

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

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

18 (3) This Section shall not apply if:

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

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

1 (c) information is requested by a government agency as  
2 a result of a claim or complaint by an employee, or as a  
3 result of a criminal investigation by such agency.

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

10 (5) An individual may file a complaint or commence an  
11 action alleging a violation of this Section, as provided in  
12 Section 12, within 7 years after the date of the disclosure of  
13 the report, letter, or other disciplinary action. Nothing in  
14 this subsection shall be construed to invalidate, diminish, or  
15 otherwise interfere with any collective bargaining agreement  
16 nor to invalidate, diminish, or otherwise interfere with any  
17 party's power to collectively bargain such an agreement.

18 (Source: P.A. 96-1212, eff. 7-22-10.)