

HB5407



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5407

by Rep. Thomas Morrison - Grant Wehrli - Amy Grant

SYNOPSIS AS INTRODUCED:

820 ILCS 40/7

from Ch. 48, par. 2007

Amends the Personnel Record Review Act. Provides that school districts may disclose an employee's personnel information to other school districts to which the employee has applied for employment, or for whom the employee has applied to be a volunteer if the employee is to have direct contact with students. Effective immediately.

LRB101 15236 TAE 64405 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 Sections 7 and 8 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; or -
2 (d) information is requested by a school district from
3 a different school district as a result of an individual
4 applying for employment in the requesting school district.
5 As used in this paragraph (d), "individual" includes, but
6 is not limited to, any person applying for employment in a
7 school district and any person applying to serve as a
8 volunteer who will have direct contact with students.

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

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.