

Know Your Responsibilities Under Illinois' Personnel Record Review Act Before Producing an Employee Personnel File

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The State of Illinois has very specific requirements that apply to disclosure of employee personnel records. The requirements are codified in the Illinois Compiled Statutes as the Personnel Record Review Act, 820 ILCS 40/1 *et seq.* The Act addresses an entity's response to requests for records from health care and other regulatory agencies, as well as an entity's response to requests from its own employees and former employees.

When responding to a request for records from a healthcare or other regulatory agency, your facility should generally disclose only that information which is specifically requested. Before disclosing employee disciplinary records, the Illinois law requires you to provide notice to the employee. Prior to disclosing any employee records, and as applicable depending upon the scope of the request, you are required to delete disciplinary reports, letters of reprimand, or other records of disciplinary action which are more than four years old. Importantly, however, this requirement does not apply where the records are requested as part of a legal action or arbitration. 820 ILCS 40/8.

Additionally, under Illinois law, employees have a right to review their personnel records and files at reasonable intervals. An opportunity for such a review should be provided within seven working days of the request. A current or former employee is also entitled to obtain a copy of his or her personnel records. 820 ILCS 40/3.

While these general guidelines are a helpful start, each particular request and set of circumstances involves varying legal and strategic considerations. To ensure legal compliance, we advise that you consult the statutory language and obtain legal advice before responding to any request for employee records under Illinois law.

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