

## **Law Enforcement Officer Separation of Service Record Act Public Act 128 of 2017 Quick Reference Guide**

On January 15, 2018, [PA 128 of 2017](#) became effective. It requires law enforcement agencies to create and maintain a Separation Record in addition to documents<sup>1</sup> created to comply with the MCOLES Act, (PA 203 of 1965) whenever a licensed officer separates employment for any reason. It also requires hiring agencies to obtain and review all Separation Records for any licensed or previously licensed officer before they hire them in that same capacity.

This is a record maintained by your agency to explain all circumstances surrounding the separation of an officer from your agency. It must be provided to any law enforcement agency seeking to employ the separated officer. The legislative intent is to compliment the comprehensive background investigation required under the MCOLES Act to determine compliance with character fitness requirements; eliminate non-disclosure agreements; and ensure subsequent hiring agencies know the true reason(s) and circumstances for any separations from employment. Please see this [memorandum](#) for additional information.

### **The separating agency:**

- Creates a Separation Record for each separating officer which states the reason(s) for the separation and fully describe all circumstances surrounding it, on a form of its own design.
- Maintains that record and allows the separating officer to see it if they ask to do so. (Some agencies proactively share the Record as part of the exit interview.)
- If the separating officer disagrees with the information, they may request changes.
  - If the agency agrees, it is modified and finalized.
  - If there is no agreement, the officer may submit information in writing that becomes part of the Record created by the agency.
- Maintains the record and releases it when provided a valid MCOLES Waiver and Release (Section C) or is otherwise required to do so by law.
- Receives immunity for good faith disclosures.

### **The hiring agency:**

- Obtains and reviews records for any licensed or previously licensed officer who separated employment on or after January 15, 2018.
- If the agency wishes to hire the individual and reactivate their law enforcement license, the agency head attests under oath these Records were obtained, reviewed, and acknowledged on the MCOLES Hiring Affidavit.

### **\*\*\*Note\*\*\***

Due to numerous requests, the following exemplar Separation Record is provided should an agency wish to use it in whole or part as their PA 128 Separation Record. Unfortunately, the Act does not empower the Commission to require a standardized Separation Record form. There are many other similar examples available from law enforcement agencies. Agencies are strongly advised to have any Separation Record form they use reviewed by their legal counsel for compliance with the Act.

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<sup>1</sup> The PA 128 Separation Record, while it contains some similar information, is not the same as the Separation Affidavit submitted to the Commission within 3 business days under the MCOLES Act.

**Law Enforcement Officer Separation of Service Record Act  
Public Act 128 of 2017  
Separation of Service Record**

Please be advised that this record regarding the reason(s) for and circumstances surrounding your separation of service from \_\_\_\_\_ will be provided to any prospective employing law enforcement agency upon receipt of a completed MCOLES Waiver and Authorization for Release of Information as required by the Law Enforcement Officer Separation of Service Act, 2017 PA 128.

**Section I: Employee Information**

|                            |                             |
|----------------------------|-----------------------------|
| <b>Employee Last Name:</b> | <b>Employee First Name:</b> |
| <b>MCOLES Number:</b>      | <b>Date Of Birth:</b>       |

**Section II: Separation Information**

**Date Of Separation:**

**Reason(s) for separation:**

**All circumstances surrounding the separation:**

### Section III: Signatures

Please sign acknowledging that you were provided the opportunity to review your separation of service record. In addition, you were given the opportunity to submit a written statement to be attached to this record regarding any information you dispute.

**Employee Declines to Provide Statement**

**Employee Statement Is Attached**

|                            |              |
|----------------------------|--------------|
| <b>Employee Signature:</b> | <b>Date:</b> |
|----------------------------|--------------|

|                          |              |
|--------------------------|--------------|
| <b>Agency Signature:</b> | <b>Date:</b> |
|--------------------------|--------------|

|                                |
|--------------------------------|
| <b>Printed Name and Title:</b> |
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