

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 23, 2003**

**TO:** Honorable Kenny Marchant, Chair, House Committee on State Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB379** by Dutton (Relating to the right of an employee to inspect the employee's personnel records.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB379, As Introduced: a negative impact of (\$120,372) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill adds Chapter 104 to the Labor Code. The bill permits an employee to review his/her personnel records at least two times per calendar year and the request shall be made by written request to the employer. The inspection of records must take place at a location near the employee's place of employment during normal work hours. The employee and employer may correct or remove any information in the record if the employee and employer agree. If they disagree, the employee may submit a written statement disputing the information and the written statement will be placed in the employee's record. Currently, the Labor Code defines an employer as a person or an agent who is engaged in an industry affecting commerce and who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year; an individual elected to Texas public office or a political subdivision of Texas; or a county, municipality, state agency, or state instrumentality, regardless of the number of individuals employed.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$42,326)
2005	(\$78,046)
2006	(\$75,985)
2007	(\$75,985)
2008	(\$75,985)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>GENERAL REVENUE FUND</i> 1	Probable (Cost) from <i>WRKFORCE COMMISSION FED</i> 5026
2004	(\$42,326)	(\$86,147)
2005	(\$78,046)	(\$86,147)
2006	(\$75,985)	(\$86,147)
2007	(\$75,985)	(\$86,147)
2008	(\$75,985)	(\$86,147)

## **Fiscal Analysis**

Currently, all permanent employee records are located in Austin per the Texas Workforce Commission; field office employee records would need to be transported to the remote location for viewing. The Texas Workforce Commission (TWC) would require 1.4 Administrative Technicians for FY 2004-08 but would not increase their FTE cap. The Texas Commission on Human Rights (TCHR) would require one additional Investigator III for FY 2004-08 above the current authorized FTE cap, one additional Investigator II for FY 2005-08 above the current authorized FTE cap, and anticipates processing of complaints under the Bill would begin immediately after the effective date of September 1, 2003.

## **Methodology**

TWC estimated salaries for Administrative Tech I and II at 1.4 FTE, fringe benefits of \$10,344, and other operating expenses (printing and mailing costs) of \$39,459 for a total of \$86,147 for fiscal year 2004-08. TCHR estimated salaries for Investigator III, fringe benefits of \$9,197, and a one-time equipment cost of \$2,061 totaling \$42,326 for fiscal year 2004. TCHR estimated salaries for an Investigator III and II, fringe benefits of \$17,377, and a one-time equipment cost of \$2,061 totaling \$78,046 for fiscal year 2005. For fiscal year 2006-08, the TCHR estimated salaries for an Investigator III and II and fringe benefits of \$17,377 totaling \$75,985.

## **Technology**

One-time equipment cost of \$2,061 in fiscal year 2004 and \$2,061 in fiscal year 2005.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 320 Texas Workforce Commission, 344 Commission on Human Rights

**LBB Staff:** JK, RR, MS, BL