

BILL ANALYSIS

C.S.H.B. 2557
By: Kuempel
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the personnel records of all public employees are open to the public. There are only a few limited exceptions to the release of information such as an employee's home address and telephone number, Social Security number, college transcript and information that is deemed an unwarranted invasion of personal privacy. This discourages constructive criticism and frank evaluations of public employees by their supervisors which is vitally important to the employer-employee relationship but which could be unfairly embarrassing to the employee and misleading to the public if made public and taken out of context. CSHB 2557 will except from public disclosure employee performance evaluations and assessments unless he or she is the administrative head of the governmental body or department.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Chapter 552, Government Code, as follows:

Excepts information contained in a standard periodic performance evaluation by a supervisor of an employee of a governmental body from the disclosure requirements of Section 552.021 of the Government Code. Clarifies that this exception does not except from the disclosure requirements a standard performance evaluation of the chief administrative officer of a governmental body or a division head who reports directly to the chief administrative officer, a notation on the personnel records of a governmental employee that is not part of a standard performance evaluation, or a standard performance evaluation of a class or category of governmental employees, if individual identifying information is redacted.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 2557 adds language to limit the information that does not have to be disclosed to performance evaluations by a supervisor. CSHB 2557 adds language to clarify that reprimands and other items in an employee's personnel record that are not related to an employee evaluation are not included in the exception to disclosure. CSHB 2557 also allows employee evaluations to be released for a category of employees so long as the identity of individual employees is not released.