

By: Kuempel

H.B. No. 2557

Substitute the following for H.B. No. 2557:

By: Cook of Navarro

C.S.H.B. No. 2557

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the exception from required public disclosure under the
3 public information law of certain performance evaluations of
4 governmental employees.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 552.102, Government Code, is amended by
7 amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) Information is excepted from the requirements of
10 Section 552.021 if it is information in a personnel file, the
11 disclosure of which would constitute a clearly unwarranted invasion
12 of personal privacy, or if it is information that is contained in a
13 standard periodic performance evaluation by a supervisor of an
14 employee of the governmental body. However, [~~except that~~] all
15 information in the personnel file of an employee of a governmental
16 body is to be made available to that employee or the employee's
17 designated representative as public information is made available
18 under this chapter. The exception to public disclosure created by
19 this subsection is in addition to any exception created by Section
20 552.024. Public access to personnel information covered by Section
21 552.024 is denied to the extent provided by that section.

22 (a-1) Subsection (a) does not except from the requirements
23 of Section 552.021:

24 (1) a standard performance evaluation of the chief

1 administrative officer of the governmental body or a department or
2 division head who reports directly to the chief administrative
3 officer;

4 (2) a reprimand, complaint, commendation, or other
5 notation in the personnel records of a governmental employee that
6 is not a part of a standard performance evaluation; or

7 (3) the standard performance evaluations of a class or
8 category of governmental employees, if the evaluations are redacted
9 so as not to identify individual employees.

10 SECTION 2. This Act takes effect September 1, 2005.