

By: Whitmire

S.B. No. 740

A BILL TO BE ENTITLED

AN ACT

relating to personnel records of commissioned officers of the Department of Public Safety.

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

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.00755 to read as follows:

Sec. 411.00755. PERSONNEL RECORDS OF COMMISSIONED OFFICERS.

(a) In this section:

(1) "Personnel record" includes any letter, memorandum, or document maintained by the department that relates to a commissioned officer of the department, including background investigations, employment applications, employment contracts, service and training records, requests for off-duty employment, birth records, reference letters, letters of recommendation, performance evaluations and counseling records, results of physical tests, polygraph questionnaires and results, proficiency tests, the results of health examinations and other medical records, workers compensation files, the results of psychological examinations, leave requests, requests for transfers of shift or duty assignments, commendations, promotional processes, demotions, complaints and complaint investigations, employment-related grievances, and school transcripts.

(2) "Disciplinary action" has the meaning assigned by Section 411.0072(1).

1 (b) Notwithstanding Chapter 552, the personnel records of a
2 commissioned officer of the department may not be disclosed or
3 otherwise made available to the public, with the exception of the
4 following information about the officer:

5 (1) name;

6 (2) date of birth;

7 (3) dates of employment;

8 (4) positions held;

9 (5) gross salary;

10 (6) location of department duty assignments;

11 (7) department decisions on the merits of any written
12 complaint against the officer;

13 (8) any disciplinary action by the department; and

14 (9) documents presented to the commission in
15 connection with a public hearing under Section 411.007(f).

16 (c) The department may release any personnel record of a
17 commissioned officer:

18 (1) pursuant to a subpoena or court order, including a
19 discovery order;

20 (2) for use by the department in an administrative
21 hearing; or

22 (3) with the written authorization of the officer who
23 is the subject of the record.

24 (d) A release of information under Subsection (c) does not
25 waive the right to assert in the future that the information is
26 excepted from required disclosure under this section or other law.

27 SECTION 2. Section 411.0072(c), Government Code, is amended

1 to read as follows:

2 (c) The commission shall establish procedures and practices
3 through which the department will address an employment-related
4 grievance that include:

5 (1) a form on which an employee may state an
6 employment-related grievance and request a specific corrective
7 action;

8 (2) time limits for submitting a grievance and for
9 management to respond to a grievance;

10 (3) a multilevel process in which an employee's
11 grievance is submitted to the lowest appropriate level of
12 management, with each subsequent appeal submitted to a higher level
13 in the chain of command;

14 (4) an assurance that confidentiality of all parties
15 involved will be maintained, except to the extent that information
16 is subject to disclosure under Section 411.00755 and Chapter 552
17 ~~[that is subject to required public disclosure under the public~~
18 ~~information law, Chapter 552, is released in response to an open~~
19 ~~records request]~~, and that retaliation against an employee who
20 files a grievance is prohibited; and

21 (5) a program to advertise and explain the grievance
22 procedure to all employees.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2007.