

By: Farias

H.B. No. 3636

A BILL TO BE ENTITLED

AN ACT

relating to the personnel records of the employees of certain sheriff's departments.

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

SECTION 1.

Subchapter Z, Chapter 157, Local Government Code, is amended by adding Section 157.905 to read as follows:

Sec. 157.905. PERSONNEL RECORDS OF CERTAIN SHERIFF'S DEPARTMENTS.

(a) This section applies only to a sheriff's department in a county with a population of more than 1.5 million in which more than 75% of the population lives in a single municipality.

(b) In this section, "department employee" means all uniformed Deputy Sheriffs employed by the sheriff's department.

(c) In this section, "employee record" means any letter, memorandum, or document maintained by the department that relates to a department employee.

(d) The sheriff or the sheriff's designee shall maintain a 201 personnel file on each department employee. An employee's 201 personnel file must contain any employee record relating to:

(1) a commendation, congratulation, or honor bestowed on the employee by a member of the public or by the department for an action, duty, or activity that relates to the employee's official duties;

1 (2) any misconduct by the employee if the employee
2 record is made by the department and if the misconduct resulted in
3 disciplinary action by the department; and

4 (3) the periodic evaluation of the employee by a
5 supervisor.

6 (e) An employee record relating to alleged misconduct by an
7 employee may not be placed in the employee's 201 personnel file if
8 the department determines that there is insufficient evidence to
9 sustain the charge of misconduct.

10 (f) An employee record relating to disciplinary action
11 taken against an employee or to alleged misconduct by the employee
12 that is placed in the employee's 201 personnel file shall be removed
13 from the file if a court or an administrative body of competent
14 jurisdiction, including the sheriff's department civil service
15 commission, or Arbitrator, determines that:

16 (1) the disciplinary action was taken without just
17 cause; or

18 (2) the charge of misconduct was not supported by
19 sufficient evidence.

20 (g) A department employee is entitled, on request, to a copy
21 of any employee record placed in the employee's 201 personnel file.
22 The department may charge the employee a reasonable fee not to
23 exceed actual cost for copies provided under this subsection.

24 (h) The sheriff or the sheriff's designee may not release an
25 employee record or other information contained in an employee's 201
26 personnel file without first obtaining the employee's written
27 permission, unless the release of the record or information is

1 required by law.

2 (i) The department may maintain a department file (field or
3 desk file) on a department employee for the department's use, but
4 the department may not release any information contained in the
5 department file to any agency or person requesting information
6 relating to a department employee.

7 SECTION 2. This action takes effect September 1, 2013.