

CHAPTER 300

H.B. No. 1368

AN ACT

relating to personnel files maintained by the director of a fire fighters' and police officers' civil service commission.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 325, Acts of the 50th Legislature, 1947 (Article 1269m, Vernon's Texas Civil Statutes), is amended by adding Section 15A to read as follows:

*Sec. 15A. PERMANENT PERSONNEL FILE. (a) The Director or the Director's designee shall maintain a permanent personnel file on each fire fighter and police officer. The personnel file must contain any letter, memorandum, or document relating to:*

*(1) a commendation, congratulation, or honor bestowed on the fire fighter or police officer by a member of the public or by the employing Department for an action, duty, or activity that relates to the person's official duties;*

*(2) any misconduct by the fire fighter or police officer if the letter, memorandum, or document is from the employing Department and if the misconduct resulted in disciplinary action by the employing Department in accordance with this Act; and*

*(3) the periodic evaluation of the fire fighter or police officer by a supervisor.*

*(b) A letter, memorandum, or document relating to alleged misconduct by the fire fighter or police officer may not be placed in the person's permanent personnel file if*

*the employing Department determines that there is insufficient evidence to sustain the charge of misconduct.*

*(c) A letter, memorandum, or document relating to disciplinary action taken against the fire fighter or police officer or to alleged misconduct by the fire fighter or police officer that is placed in the person's permanent personnel file as provided by Subsection (a)(2) of this section shall be removed from the employee's file if the Commission finds that:*

- (1) the disciplinary action was taken without just cause; or*
- (2) the charge of misconduct was not supported by sufficient evidence.*

*(d) If a negative letter, memorandum, document, or other notation of negative impact is included in a fire fighter's or police officer's permanent personnel file, the Director or the Director's designee shall, within 30 days, notify the affected fire fighter or police officer. The fire fighter or police officer may, on or before the 15th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation.*

*(e) The fire fighter or police officer is entitled, on request, to a copy of any letter, memorandum, or document placed in the person's permanent personnel file. The city may charge the fire fighter or police officer a reasonable fee not to exceed actual cost for any copies provided under this subsection.*

*(f) The Director or the Director's designee may not release any information contained in a fire fighter's or police officer's permanent personnel file without first obtaining the person's written permission, unless the release of the information is required by law.*

*(g) A Fire or Police Department may maintain a personnel file on a fire fighter or police officer employed by the Department for the Department's use, but the Department may not release any information contained in the Department file to any agency or person requesting information relating to a fire fighter or police officer. The Department shall refer to the Director or the Director's designee a person or agency that requests information that is maintained in the fire fighter's or police officer's personnel file.*

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 22, 1987, by a non-record vote. Passed by the Senate on May 28, 1987, by a viva-voce vote.

Approved June 11, 1987.

Effective Sept. 1, 1987.