

BILL ANALYSIS

Senate Research Center
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H.B. 2463
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Open Government
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that the Texas Workforce Commission (TWC) may adopt rules regarding the confidentiality of the TWC civil rights division files and that the contract between the TWC and the United States Equal Employment Opportunity Commission (EEOC) also includes confidentiality requirements. However, observers point out that the attorney general has issued opinions requiring TWC to release certain information, such as Social Security numbers, home addresses, and personal financial information and, the observers note, removing the protection of confidentiality at the state level for records associated with an investigation of an alleged violation and making such records subject to disclosure. The interested parties contend that legislation is needed to ensure TWC's alignment with federal contract requirements regarding the protection and confidentiality of records that are applicable to EEOC adjudications and to protect workers' rights in that regard by exempting from public disclosure records collected, developed, or maintained by the commission when the commission is acting in accordance with the EEOC's contract as a fair employment practices agency. H.B. 2463 seeks to address that issue by changing statutes relating to access to certain records regarding an employment discrimination claim.

H.B. 2463 amends current law relating to access to certain records regarding an employment discrimination claim.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Workforce Commission civil rights division is modified in SECTION 2 (Section 21.305, Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.304, Labor Code, to prohibit an officer or employee of the Texas Workforce Commission civil rights division (division) from disclosing to the public information obtained by the division under Section 21.204 (Investigation by Commission) except in compliance with Section 21.305 (Access to Commission Records) and as necessary to the conduct of a proceeding under this chapter.

SECTION 2. Amends Section 21.305, Labor Code, by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Requires the division to adopt rules allowing a party to a complaint filed under Section 21.201 (Filing of Complaint; Form and Content; Service) reasonable access to division records relating to the complaint to the extent that the access complies with federal law and the United States Equal Employment Opportunity Commission's regulations, policies, and work-sharing agreement with the division regarding access to confidential records and complaint and investigation files.

(c) Authorizes the division to provide access to information described by this subchapter only if the access is permitted under the federal Privacy Act of 1974 (5 U.S.C. Section 552a) and the United States Equal Employment Opportunity Commission's regulations, policies, and procedures.

(d) Provides that all records and information collected, received, maintained, or otherwise developed by the division in investigating or resolving a complaint filed with or transferred to the division are not public information under Chapter 552 (Public Information), Government Code.

SECTION 3. Effective date: September 1, 2011.