



HOUSE BILL 64: Government Transparency Act of 2021.

2021-2022 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 8, 2021
Introduced by:	Reps. Sauls, Strickland	Prepared by:	Erika Churchill
Analysis of:	PCS to First Edition H64-CSST-17		Staff Attorney

OVERVIEW: *The proposed committee substitute (PCS) for House Bill 64 would amend various statutes governing confidentiality of personnel records of governmental employees to provide the public access to the date and a general description of each demotion, transfer, suspension, separation, and dismissal in addition to each promotion. The PCS would also require each affected governmental employer to adopt policies to allow employees to challenge the wording of the general descriptions.*

CURRENT LAW: Current law provides that personnel files of State and local government employees are confidential and cannot be released, except for certain items of information which must be maintained as separate public records. Similar statutes govern the personnel records of: local boards of education, community colleges, area mental health authorities, State employees, public health authorities, public hospitals, counties, cities, and water and sewer authorities. Generally, the items that may be released as public records are: name; age; date of original employment or appointment; current position; title; current salary; date and amount of most recent increase or decrease in salary; date of most recent promotion, demotion, transfer, suspension, separation or other change in position classification; and office or station to which the employee is currently assigned; date and amount of each salary change; date and general description of the reasons for each promotion; date and type of each promotion, demotion, transfer, or suspension, separation, or other change in position classification; date and type of each dismissal, suspension or demotion for disciplinary reasons; and a copy of the written notice of final decision setting forth the specific acts or omissions for a dismissal.

BILL ANALYSIS: The PCS for House Bill 64 would expand the categories of where the the public has access to a general description of the reasons for each personnel action taken by certain governmental employers to include any employee demotion, transfer, suspension, separation, and dismissal, in addition to each promotion.

If the general description is prohibited from being disclosed by law, no description would be listed, and instead the notation would read "description of action prohibited by applicable law."

Each affected governmental employer would be required to adopt personnel policies to allow its employees to challenge the wording of the general description listed by the employer. The general description would become public upon the later of the expiration of the time period to file an appeal under the employer's administrative appeals process or a final decision being entered in that appeals process.

EFFECTIVE DATE: December 1, 2021, and applies to promotions, demotions, transfers, suspensions, separations, and dismissals occurring on or after that date.

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