



## Agency Rules

### 33.99.14.N1 Criminal History Record Information – Employees and Applicants

Approved: June 2, 2008  
Revised: November 17, 2010  
Revised: March 4, 2014  
Revised: July 9, 2019  
Next Scheduled Review: July 9, 2024

#### Rule Summary

The Texas A&M Engineering Extension Service shall perform criminal background checks of current employees and applicants for employment as provided in [System Regulation 33.99.14 Criminal History Record Information-Employees and Applicants](#), and by this Rule.

#### Rule

##### 1. GENERAL

All TEEX employment positions are security-sensitive. Criminal history checks will be the responsibility of the TEEX human resources office.

##### 2. PRE-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS

2.1. Any applicant who has criminal history record information indicating a conviction for an offense listed in this subsection may be hired only after a recommendation by the division director and approval by the agency director or designee. A conviction for any of the following offenses requires such approvals:

- (a) a felony, as defined by state or federal law, or equivalent offenses under the law of another jurisdiction; or
- (b) any offense requiring registration as a sex offender.

##### 3. SOURCES OF CRIMINAL HISTORY RECORD INFORMATION

3.1. Criminal history background checks on applicants for TEEX employment shall be run from:

- (a) the Texas Department of Public Safety (DPS) Crime Records-Public Site or any other publicly available local, state, federal or international source;
- (b) the DPS Crime Records-Secure Site;
- (c) a third-party vendor on behalf of TEEX.

##### 4. CRIMINAL HISTORY BACKGROUND CHECKS OF EMPLOYEES

4.1. All employees will be subject to periodic criminal history background checks when such checks are determined by the director/deputy director to be in the best interest of TEEX. TEEX

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employees who are applicants for other TEEX positions shall be checked as required by System Regulation 33.99.14.

- 4.2. In situations where, criminal history record information is found for an employee or reported by the employee, the agency's Chief Human Resources Officer will conduct an analysis outlined in Section 5 of this rule and will discuss disciplinary action to include termination with the appropriate supervisor and recommend to the deputy director what action should be taken based upon the analysis. If termination is recommended, the deputy director or HRO will consult with the Office of General Counsel before an action is taken.

### 5. ANALYSIS OF CRIMINAL HISTORY RECORD INFORMATION AND SUBSEQUENT ACTION

When criminal history record information is found for an applicant for employment or an employee the following analysis will be conducted.

#### 5.1. Conviction Records

5.1.1. Human Resources will consider all circumstances and the following factors when proposing to reject an application, or discipline or dismiss an employee:

- (a) The nature and gravity of the offense(s);
- (b) The time that has passed since the conviction and/or completion of the sentence;
- (c) The nature of the job sought or held; and
- (d) The legitimate interest of protecting the safety and welfare of employees and the general public, preserving state property, and upholding the reputation and integrity of TEEX.

5.1.2. If HR concludes the applicant's or employee's criminal conduct makes the applicant or employee unsuitable for the position in question, the human resources department may recommend the division reject the applicant or terminate the employee. Terminations must be approved by the deputy director in consultation with the Office of General Counsel. If a division wishes to employ or continue the employment of the individual the division must receive approval of the deputy director

#### 5.2. Arrest Records

Section 6.2, System Regulation 33.99.14, addresses the analysis and findings required to reject an applicant or discipline or dismiss an employee based on a criminal charge or arrest. If an employee is unable to report to work as a result of an arrest, the employee may be subject to discipline, including discharge, for absenteeism.

## Related Statues, Policies, or Requirements

[Texas Gov't Code Chapter 559](#)

[System Regulation 33.99.14 Criminal History Record Information-Employees and Applicants](#)

[TEEX Standard Administrative Procedure 33.99.14.01-1 Criminal History Record Information Checks - Employees and Applicants](#)

TEXAS A&M ENGINEERING



The Texas A&M University System  
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### **Contact Office**

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