



The Texas A&M University System
Texas A&M Engineering Extension Service

Agency Rules

33.99.14.N1 Criminal History Record Information – Employees and Candidates for Employment

Approved: June 2, 2008
Revised: November 17, 2010
Revised: March 4, 2014
Revised: July 9, 2019
Revised: June 29, 2022
Next Scheduled Review: June 29, 2027

Rule Summary

The Texas A&M Engineering Extension Service shall perform criminal background checks of current employees and candidates for employment as provided in [System Regulation 33.99.14, Criminal History Record Information-Employees and Candidates for Employment](#), 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. It is a criminal offense to knowingly or intentionally obtain criminal history record information in an unauthorized manner, use the information for an unauthorized purpose or disclose the information to an individual who is not entitled to the information, or violate DPS rules published in accordance with Chapter 411, Subchapter F, Texas Government Code.

2. PRE-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS

- 2.1. Every offer of TEEX employment must be conditioned on receipt of an acceptable criminal history background check.
 - (a) TEEX Human Resources will not conduct a criminal background check until a conditional offer is extended to the applicant.
 - (b) A candidate for employment who fails to consent to a criminal background check will no longer be considered for employment and the offer of employment will be rescinded.
- 2.2. Any candidate for employment 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. Currently, the agency director has designated this approval authority to the Chief Human Resources Officer. 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

Criminal history background checks will be run from 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 to be in the best interest of TEEX. TEEX employees who are candidates for other TEEX positions shall be checked as required under Section 2 of this rule.
- 4.2. Employee Reporting of Arrests, Charges of Convictions
 - (a) TEEX employees must report to their supervisor, within 24 hours or at the earliest possible opportunity thereafter, any criminal arrests, criminal charges or criminal convictions, excluding misdemeanor traffic offenses punishable only by fine. Failure to make the report required by this section constitutes grounds for disciplinary action, including dismissal.
 - (b) The employee's supervisor must report the arrest(s), criminal charge(s) or conviction(s) to their Division Director / HQ Department Head and the Chief Human Resources Officer.

5. ANALYSIS OF CRIMINAL HISTORY RECORD INFORMATION AND SUBSEQUENT ACTION

When criminal history record information is found for a candidate 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 candidate's or employee's criminal conduct makes the candidate 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 appropriate Agency 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 appropriate Agency deputy director.

5.2. Appeals

- 5.2.1. A candidate for employment rejected under this rule has no appeal unless the individual alleges discrimination. Such appeals must be filed in accordance with System Regulation 08.01.01, *Civil Rights Compliance*.
- 5.2.2. Non-faculty employees can appeal action taken under this regulation by following the applicable provisions of System Regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees*, or System Regulation 08.01.01, *Civil Rights Compliance*, and TEEX SAP 32.01.02.N1.01, *Complaint and Appeal Process for Nonfaculty Employees*.

Related Statutes, Policies, or Requirements

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

[System Regulation 33.99.14, Criminal History Record Information-Employees and Candidates for Employment](#)

Contact Office

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