1. **GOVERNING REGULATIONS**

These procedures are governed by Section 51.215 of the Texas Education Code, System Regulation 33.99.01 Employment Practices, System Regulation 33.99.14 Criminal History Record Information-Employees and Applicants and TFS Rule 33.99.14.F1 Criminal History Record Information-Employees and Applicants.

2. **PURPOSE**

Texas A&M Forest Service (TFS) is committed to providing a safe working environment for its employees and the customers they serve. Therefore, it is imperative that individuals selected to fill positions within TFS are carefully screened. The mission of TFS is such that each employee must be trustworthy and capable of being placed in high stress environments.

3. **GENERAL**

3.1 TFS has designated all budgeted, seasonal and student worker positions as security sensitive and will use screening procedures as provided in System Regulation 33.99.01 to provide consistent data on applicants selected to be hired into such positions. All offers of employment are considered conditional pending receipt of an acceptable background check. In addition, all prospective volunteer workers who will be working with Programs for Minors must have a background check completed.

3.2 All positions have been designated as security sensitive because each position's duties include handling currency, having access to sensitive computerized databases, having access to a master key, working in an area of TFS that has been designated as a security sensitive area, working in remote areas in one-on-one situations with customers or working in high stress situations relating to emergency response either in-state or out-of-state.

3.3 As provided in Section 51.215 of the Texas Education Code, the criminal history record is used as part of the evaluation of final candidates for employment. AgriLife Human Resources (HR) is responsible for obtaining criminal history information and conducting analysis in accordance with System Regulation 33.99.14.

3.4 The AgriLife HR Manager will review the results of the background check. If a candidate is discovered to have a criminal history, the history will be analyzed with consideration given to the relevancy among (a) the nature, gravity and number of offenses, (b) the responsibilities of the position that will be held, (c) the length of
time that has elapsed since the arrest or conviction occurred and (d) the protection of
the employees, constituencies, property, reputation and integrity of TFS. If after
considering all the circumstances noted above, AgriLife HR concludes the applicant’s
criminal conduct indicates he or she is unsuitable for the position in question, then
AgriLife HR may recommend that the hiring department reject the candidate. If the
department disagrees with the conclusion of AgriLife HR and wishes to employ the
individual, the department must receive approval from the Director.

3.5 Declining to submit to a criminal history record information check is grounds for
non-selection of a candidate.

3.6 None of the provisions of this procedure will be used as the basis for illegal
discrimination or retaliation against any individuals or groups.

4. REQUIREMENTS

4.1 This procedure applies to all individuals (including current employees) who are in
consideration for vacant positions.

4.2 All offers of employment are contingent upon successful completion of a criminal
history check. The Employee Development Department (ED) coordinates the internal
process with the appropriate department to obtain criminal history record information
necessary for screening of candidates. AgriLife HR serves as the processor and
custodian of criminal history records for screening. AgriLife HR provides the
background check completion certificate to ED after review if the applicant is eligible
for hire. If there are items in the background check report reflecting criminal history,
the AgriLife HR Manager will review as noted in section 3.4. Based on the outcome
of this review and resulting decision by TFS leadership, the AgriLife HR Manager
will notify ED and the hiring supervisor as to whether the candidate may be offered
employment.

4.3 All criminal history record information pertaining to a candidate is privileged and
confidential and will be destroyed by AgriLife HR in accordance with System
Regulation 33.99.14 upon completion of the hiring process.

4.4 After a hiring decision is made, ED places in the hiring record the notification of
completion of the criminal history check, as described in the hiring guidelines.
Criminal history record information and associated communication and
documentation on candidates who are not hired will be administered by AgriLife HR
in accordance with applicable laws.

5. PROGRAMS FOR MINORS

5.1 Annual criminal history background checks will be conducted on all prospective
volunteers and employees who will be working with TFS programs that meet the
definition of Programs for Minors (see Rule 24.01.06.F1 Programs for Minors). The
supervisor will have the prospective volunteer complete a Background Check Request Form and submit it to ED for processing.

5.2 Criminal history information for prospective volunteers will be obtained and reviewed by AgriLife HR and decisions to approve or disapprove a prospective volunteer will be performed, using the same process for employees and candidates outlined in Section 3, above.

6. RESPONSIBILITIES

6.1 ED is responsible for:

a. indicating security sensitive positions in all job postings and advertisements.

b. informing the hiring supervisor of the completion of criminal history record information checks and the corresponding instructions for initiating the process.

6.2 The AgriLife HR Manager is responsible for:

a. consulting with the hiring department when criminal history record information is found, and resolving any concerns related to the suitability of the applicant for employment by TFS.

b. advising the Director on requests to hire an applicant with a felony record (see section 6.5)

6.3 AgriLife HR is responsible for:

a. developing, maintaining and issuing instructions and forms for use in the screening for criminal history information (see Background Check Request Form).

b. obtaining and maintaining criminal history record information in accordance with the System Records Retention Schedule and System Regulation 33.99.14, using appropriate safeguards to ensure confidentiality.

c. informing a candidate if they have been rejected from consideration for a position because of criminal history.

6.4 The hiring supervisor/department is responsible for:

a. providing candidates interviewed or selected for hire or prospective volunteers who will be working with TFS Programs for Minors with appropriate information to initiate electronically the required background check information.

b. assisting the AgriLife HR Manager, if necessary, in the analyses of criminal history information as it relates to the job and final consideration of the candidate.
c. submitting justifications for hiring recommendations that are contrary to the AgriLife HR Manager's advice through the chain of command to the Director.

6.5 The Director decides if final candidates with felony criminal history record information are hired.

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