33.99.14.B1 Criminal History Record Information

Approved August 23, 2019
Next Scheduled Review: August 23, 2024

Rule Summary

- The Texas Division of Emergency Management (Division) is committed to the safety and welfare of employees and the public, preserving state property and upholding the reputation and integrity of the division for the citizens of Texas.
- Due to the mission and operations of the division, all positions are designated as security sensitive based upon access to a computer terminal, personal information, financial information and/or access to security-sensitive areas.
- This rule provides the manner in which criminal history background checks may be carried out on employees of the division.
- The rule complies with System Regulation 33.99.14 Criminal History Record Information – Employees and Applicants.

Rule

1. Pre-Employment Criminal History Background Checks

1.1 Every applicant for a position at the division will have a criminal history background check conducted on them. An applicant whose criminal history record information indicates a conviction for an offense listed in this section must have a recommendation by the Deputy Chief responsible for the position and approval by the Chief or his/her designee.

   a. A felony, as defined by state or federal law, or an equivalent offense as defined by the law of another jurisdiction; or

   b. Any offense requiring registration as a sex offender.

2. Analysis of Criminal History Record Information and Division Action

2.1 If the employee’s criminal conduct is determined by human resources to make the applicant or employee unsuitable for employment in the division, human resources may recommend that the division reject the applicant or dismiss the employee. Terminations must be approved by the Deputy Chief or designee in consultation with the Office of General Counsel. If the employing supervisor disagrees with the recommendation of human resources, the employing supervisor must receive approval of the Chief or his or her designee to hire or retain the individual.
Related Statutes, Policies, or Requirements

- System Regulation 33.99.14 Criminal History Record Information – Employees and Applicants
- Texas Government Code Chapter 411, Subchapter F

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System Approvals

Approved for Legal Sufficiency:

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8/22/19  
Date

Approved:

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8/23/19  
Date