VR-SFP Chapter 3: Basic Standards

New content effective May 15, 2023

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# 3.2 Basic Standards - All Contract Types

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## 3.2.18 Background Checks

Contractors that will provide goods or services directly to VR customers must run a criminal background check on each staff member who will interact with any VR customer. This includes any staff who have any communication or other contact whether in person, on paper, by voice, by sign language, electronically or any other method. The only exception is for staff who never communicate with or are physically present with a VR customer. Background checks must be completed by the contractor before the employee interacts with any VR customer. If a contractor elects not to conduct background check on a staff member, the contractor must demonstrate that the staff member has never interacted with any VR customer in any way on any subject. Refer to the Background Check FAQ for additional questions. All provisions in this section apply equally to any subcontractor.

Contractors are responsible for purchasing and conducting a background check. A background check consists of running a name-based search from the [Texas Department of Public Safety](https://publicsite.dps.texas.gov/ConvictionNameSearch/) and checking the [National Public Sex Offender](https://www.nsopw.gov/?AspxAutoDetectCookieSupport=1) public website. [How To Use the Conviction Name Search - Criminal History Conviction Name Search](https://publicsite.dps.texas.gov/ConvictionNameSearch/Home/Default/HowToSearch) provides instruction in how to use the Texas Department of Public Safety website, and the [National Public Sex Offender](https://www.nsopw.gov/?AspxAutoDetectCookieSupport=1) website provides information on the program and use of the registry. Contractors may also conduct a more comprehensive background check on their staff. A more comprehensive background check may substitute for the Texas DPS name-based search.

Contractors must maintain a record of all background checks conducted, including a screenshot or printed copy from the Texas DPS name-based search and from the National Public Sex offender registry if no results are found. Contractors must also complete the Background Checks Attestation and Release Form for all staff, which includes:

* The staff person’s first name and last name;
* Type of background search conducted;
* Date background search was conducted;
* If the search return a conviction;
* Date the national public sex offender website search was conducted; and
* If the search returned a result

If the background search returned a conviction, the contractor must also document:

* If the conviction is barred per the Convictions Barring Vendor Staff from Performing Services for TWC list;
* Whether an exception has been sought;
* If an exception was granted, by whom, and on what date

Contractors must maintain the Background Checks Attestation and Release Form and background check records on file for a minimum of 7-years. TWC may request to review background check records at any time. If background check records are not available to review at time of request, the contractor must recreate the search.

Any contractor staff who appear in the National Public Sex Offender database are immediately barred from providing services with TWC.

Any contractor staff member who has a conviction listed on the Convictions Barring Vendor Staff from Performing Services for TWC list must not have any interactions with TWC-VR customers.TWC will consider an exception in some cases to offenses listed under subsection (b) of the list. Contractors are responsible for requesting an exception. To request an exception, follow the Exception to Background Check Instructions. Any exception must be approved by the VR Director or designee before any interactions with VR customers occur.

A background check is only valid for 3 years. An updated background check must be obtained no later than the 3-year anniversary date of the original background check, or the contractor must remove the employee from interacting with VR customers on and after the date the background check expires.

For a contractor to self-report noncompliance with background checks refer to [3.2.11 Incident Reporting](https://www.twc.texas.gov/standards-manual/vr-sfp-chapter-03#s3211).

Limited contracted services are exempt from the background check requirement, such as for certain types of entities, procurements, services, or goods. See Contracted Services Exempt from Background Checks for a full list of contracted services that are exempt from the background checks requirement.

## 3.2.18.1 Contractor Staff Self Reporting

A contractor must require all staff, including employees, subcontractor, or volunteers, to self-report any conviction, incarceration, criminal fine, probation, community service, or deferred adjudication occurring after the contractor last performed a background check for that staff member.

When a contractor’s staff person self identifies a change in their background status, a new background check must be obtained prior to any interactions with VR customers.