

Chapter: Conditions of Employment	<b>Effective Date: 2/15/14</b>
<b>Title: Driving Records: Standards, Background Checks, and Self-Reporting Requirements</b>	Page: 1 of 4
ACA: N/A	Replaces: PRS.02.05, 9/15/13

(a) **Policy.**

The Texas Juvenile Justice Department (TJJD) establishes driving record standards and self-reporting requirements and conducts driving record background checks to help ensure individuals use vehicles responsibly while performing TJJD business and to reduce the risk of injury to youth being transported.

(b) **Applicability.**

- (1) Driving record standards and background checks apply to:
  - (A) TJJD employees and job applicants; and
  - (B) TJJD contractor or subcontractor employees who have direct access to youth in TJJD-operated or TJJD-contracted facilities.
- (2) Driving record background checks apply to volunteers and individuals applying to become volunteers.
- (3) Self-reporting requirements apply to TJJD employees.

(c) **Additional Resources.**

- (1) [PRS.02.08](#) – This policy establishes reporting requirements for employees who have been charged with a criminal offense involving the operation of a motor vehicle (e.g., DWI).
- (2) [PRS.05.14](#) – This policy describes how driving record information is obtained through the Texas/National Crime Information Center (TCIC/NCIC).
- (3) [PRS.43.13](#) – This policy establishes general rules for using state vehicles and procedures for reporting vehicle accidents.

(d) **Definitions.**

For definitions of certain terms used in this policy, see the [PRS Glossary](#).

(e) **Driving Record Standards.**

(1) **Positions Requiring Travel.**

Job applicants and employees must have a valid driver license to be eligible for hire or continued employment in positions requiring travel.

(2) **Positions Required to Regularly Transport Youth.**

- (A) Employees in the following positions are required to regularly transport youth and must meet additional driving record standards:
  - (i) juvenile correctional officer (JCO) transporter and any position requiring the operation of a commercial motor vehicle;

- (ii) the following halfway house positions:
    - superintendent
    - assistant superintendent
    - case manager
    - human services specialist
    - JCO
  - (iii) JCO – recreation program;
  - (iv) parole officer; and
  - (v) parole services assistant.
- (B) Applicants for positions in (A) above must have a driving record that meets standards in the ten-point assessment system adopted by the Texas Department of Public Safety (DPS) for school bus drivers.

Note: The DPS rule at [37 TAC §14.14](#) addresses minimum driving record qualifications for school bus drivers. Section 14.14(d) states that a person who has accumulated ten or more penalty points is ineligible to transport students until the person becomes qualified. This section includes standards that will be applied in assessing penalty points for convictions of traffic law violations and crash involvements appearing on the driver's current driving record.

- (C) An employee must meet the following requirements for continued employment in positions in (A) above:
- (i) maintain a driving record that meets the standards of DPS's ten-point assessment system; and
  - (ii) successfully complete a defensive driving course approved by the Texas Education Agency or driving safety course offered by the State Office of Risk Management:
    - (I) within 90 days after being employed in the position, unless he/she completed a course within three years prior to hire or moving into the position; and
    - (II) every three years after completing the most recent course.

Note: TJJJD reimburses costs for required defensive driving courses after receiving a certificate verifying completion. This does not apply to defensive driving courses that employees choose to complete to have a ticket dismissed unless the course is completed within three months before the required date for completing a TJJJD-required course.

**(f) Driving Record Background Checks.**

**(1) Pre-Employment and Annual Checks.**

Background investigation specialists in Human Resources obtain driving record information through the TCIC/NCIC. (See [PRS.05.14](#).)

- (A) Pre-employment driving record checks are conducted on:
- (i) external applicants being seriously considered for hire; and
  - (ii) internal applicants being seriously considered for another position through the competitive selection process.

- (B) Annual driving record checks are conducted on employees and volunteers during their birth month. The local human resources administrator (HRA) or the volunteer services coordinator is notified if a check reveals information affecting an employee's or volunteer's status as an authorized driver or routine transporter of youth.

**(2) Applicants with Out-of-State Driver Licenses.**

- (A) Before a selected applicant with an out-of-state driver license is hired, TJJD must receive a current copy of his/her driving record from the state agency that issued the license.
- (B) If hired, he/she must provide his/her Texas driver license to the local HRA no later than 90 days after the effective hire date.
- (C) The local HRA files a copy of the Texas driver license in the employee's personnel file and notifies the background investigation specialist in Human Resources via email of the employee's Texas driver license number.

**(3) Confidentiality of Information.**

- (A) Except as otherwise required or allowed by law:
  - (i) access to driving record reports is restricted to authorized personnel in Human Resources; and
  - (ii) information obtained from a driving record check is confidential and is disclosed only to the local HRA, hiring authority, [chief local administrator \(CLA\)](#), or others with a need to know (e.g., hearing officer, grievant whose criminal record is at issue in a grievance).
- (B) Documents with driving record information are destroyed after the information is used for the purpose for which it was intended.

**(g) Employee Self-Reporting Procedures.**

**(1) Reporting Requirements for All Employees.**

All employees must complete and submit a Notification of Actions Affecting Driving Records, [HR-037](#), to the local HRA within two workdays after:

- (A) being ticketed for a moving violation or being involved in a vehicle accident while driving a:
  - (i) state vehicle or TJJD-rented vehicle; or
  - (ii) personal vehicle while conducting state business; or
- (B) having their driver license revoked or suspended.

**(2) Additional Self-Reporting Requirements for Employees in Positions Required to Regularly Transport Youth.**

In addition to complying with the above reporting requirements, an employee in a position listed in [\(e\)\(2\)\(A\)](#) must also complete and submit an HR-037 form to the local HRA within two workdays if the employee 'while driving off-duty' is:

- (A) ticketed for a moving violation; or
- (B) involved in a vehicle accident.

**(3) Inability to Meet Reporting Timeline.**

- (A) When an employee is unable to provide the [HR-037](#) form to the local HRA within the required timeline, the employee must ensure that his/her supervisor is contacted by telephone, text, or email within two workdays after the event.
- (B) The supervisor must:
  - (i) complete the HR-037 form if the employee is unable to do so; and
  - (ii) provide the completed form to the local HRA on the same workday the supervisor was notified.

**(4) Local HRA's Responsibilities.**

After receiving a completed HR-037 form, the local HRA or designee must:

- (A) immediately email a scanned copy to a background investigation specialist in Human Resources;
- (B) provide a copy to the [CLA](#); and
- (C) file the original in the employee's confidential personnel file.

**(5) Responsibilities of Background Investigation Specialists.**

After receiving the HR-037 form, the background investigation specialist in Human Resources:

- (A) conducts a driving record check; and
- (B) advises the local HRA and CLA about the appropriate management action based on TJJJD's driving record standards.

**(h) Management Actions for Current Employees.**

**(1) Employee's Failure to Report.**

If a driving record check reveals a TJJJD employee failed to report an event as required by this policy, the employee is subject to disciplinary action. (See [PRS.35.01](#).)

**(2) Failure to Meet Driving Record Standards.**

An employee who fails to meet driving record standards established by this policy may be administratively separated due to ineligibility for continued employment in the position held. (See [PRS.11.21](#).)

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