

TITLE 26	HEALTH AND HUMAN SERVICES
PART 1	HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 746	MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER C	RECORD KEEPING
DIVISION 4	PERSONNEL RECORDS

§746.901. What information must I maintain in my personnel records?

You must have the following records at the child-care center and available for review during hours of operation for each employee, caregiver, substitute, and volunteer as specified in this chapter:

- (1) Documentation showing the dates of the first and last day on the job;
- (2) Documentation showing how the employee meets the minimum age and education qualifications, if applicable;
- (3) A copy of a health card or health care professional's statement verifying the employee is free of active tuberculosis, if required by the regional Texas Department of State Health Services TB program or local health authority;
- (4) A notarized *Affidavit for Applicants for Employment with a Licensed Operation or Registered Child-Care Home (Form 2985)* as specified in Texas Human Resources Code §42.059;
- (5) A *Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations (Form 2912)* as specified in Texas Human Resources Code §42.0563;
- (6) A record of training hours, including documentation required by §746.1329 of this chapter (relating to What documentation must I provide to Licensing to verify that employees have met training requirements?);
- (7) A statement signed and dated by the employee showing he has received a copy of the child-care center's:
 - (A) Operational policies; and
 - (B) Personnel policies;
- (8) Proof of request for background checks required by Chapter 745, Subchapter F of this title (relating to Background Checks);
- (9) A copy of a photo identification;
- (10) A copy of the person's current driver's license if the person transports a child in care; and
- (11) A statement signed and dated by the employee verifying the date the employee attended training during orientation that includes an overview of your policy on the prevention, recognition, and reporting of child maltreatment outlined in §746.1303 of this chapter (relating to What must orientation for employees at

my child-care center include?).

Technical Assistance

Regarding §746.901(4) and (5), the affidavits are only required for substitutes, volunteers, and contractors if they meet the requirements in §746.1401 (regarding What minimum standards must substitutes, volunteers, or contractors comply with?) and require initial background checks through CCR.

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SUBCHAPTER D PERSONNEL
DIVISION 2 CHILD-CARE CENTER EMPLOYEES AND CAREGIVERS

§746.1105. What minimum qualifications must each of my child-care center employees meet?

Each child-care center employee must:

(1) Meet the requirements in Chapter 745, Subchapter F of this title (relating to Background Checks);

(2) Have a current record of a tuberculosis examination, showing the employee is free of contagious TB, if required by the Texas Department of State Health Services or local health authority;

(3) Complete a notarized *Affidavit for Applicants for Employment with a Licensed Operation or Registered Child-Care Home* (Form 2985) before you hire the employee, as specified in Human Resources Code §42.059; and

(4) Complete a *Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations* (Form 2912) before you hire the employee, as specified in Texas Human Resources Code §42.0563.

Technical Assistance

Regarding §746.1105(4), the affidavit is not a substitute for complying with CCR's background check requirements. Regardless of what information a person documents on the affidavit about charges, convictions, or adjudications of a crime involving an inappropriate relationship with a minor, CCR may determine the prospective employee ineligible to be present at an operation due to a background check result. If CCR determines a person is eligible to be present at an operation based on the person's background check results, and the person documents in the affidavit a charge of an inappropriate relationship with a minor, the operation may choose to employ the person if the operation determines that the charge was false based on the information disclosed in the affidavit. Moreover, an operation may terminate an employee for failing to disclose the information required in the affidavit.