

TITLE 26 HEALTH AND HUMAN SERVICES  
PART 1 HEALTH AND HUMAN SERVICES COMMISSION  
CHAPTER 748 MINIMUM STANDARDS FOR GENERAL RESIDENTIAL  
OPERATIONS  
SUBCHAPTER D REPORTS AND RECORD KEEPING  
DIVISION 3 PERSONNEL RECORDS

§748.363. What information must the personnel record of an employee include?

For each employee, the personnel record must include:

- (1) Documentation showing the date of employment;
- (2) Documentation showing how the person meets the minimum age and qualifications for the position;
- (3) Documentation that your operation has:
  - (A) Verified employment history as required by §748.751 of this chapter (relating to What are the requirements for obtaining and verifying an applicant's employment history?); and
  - (B) Conducted reference checks as required by §748.753 of this chapter (relating to What are the requirements for completing an applicant's reference checks?);
- (4) A current job description;
- (5) Evidence of any valid professional licensures, certifications, or registrations the person must have to meet qualifications for the position, such as a current renewal card or a letter from the credentialing entity verifying that the person has met the required renewal criteria;
- (6) A copy of the record of tuberculosis screening conducted prior to the person having contact with children in care showing that the employee is free of contagious tuberculosis as provided in §748.1583 of this title (relating to Who must have a tuberculosis (TB) examination?);
- (7) 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;
- (8) A *Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations (Form 2912)* as specified in Texas Human Resources Code §42.0563;
- (9) A statement signed and dated by the employee documenting that the employee has read a copy of the operational policies required by §748.103 of this title (relating to What policies and procedures must I submit for Licensing's approval as part of the application process?);

(10) A statement signed and dated by the employee indicating the employee must immediately report any suspected incident of child abuse, neglect, or exploitation to the Texas Abuse and Neglect Hotline and to the operation's administrator or administrator's designee;

(11) Proof of request for background checks required by Chapter 745, Subchapter F of this title (relating to Background Checks);

(12) For each person who transports a child, a copy of:

(A) The person's valid driver's license; or

(B) A driver's license check conducted through the Texas Department of Public Safety within the last 12 months;

(13) A record of training, including the date of the training, the number of training hours, and the curriculum covered;

(14) Any documentation of the person's performance with the operation; and

(15) The date and reason for the person's separation, if applicable.

#### **Technical Assistance**

Regarding §748.363(7) and (8), the affidavits are only required for volunteers and contractors that perform employee functions discussed in §748.723 (relating to Are there additional requirements for a volunteer or contractor that performs employee functions?) and require initial background checks through CCR.

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CHAPTER 748 MINIMUM STANDARDS FOR GENERAL RESIDENTIAL  
OPERATIONS  
SUBCHAPTER E PERSONNEL  
DIVISION 1 GENERAL REQUIREMENTS

§748.505. What minimum qualifications must all employees meet?

(a) An employee's behavior or health status must not present a danger to children in care.

(b) Each employee must:

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

(2) Have a record of a tuberculosis screening showing the employee is free of contagious TB as provided in §748.1583 of this chapter (relating to Who must have a tuberculosis (TB) examination);

(3) Be physically, mentally, and emotionally capable of performing assigned tasks and have the skills necessary to perform assigned tasks;

(4) 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 **Texas** Human Resources Code §42.059;

(5) 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; and

(6) Have cleared a pre-employment screening assessment in which you determined the employee's suitability for the employee's position. The screening must have included:

(A) Verification of employment history as required by §748.751 of this subchapter (relating to What are the requirements for obtaining and verifying an applicant's employment history?); and

(B) Reference checks, as required by §748.753 of this subchapter (relating to What are the requirements for completing an applicant's reference checks?).

**Technical Assistance**

Regarding §748.505(b)(5), 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

## Technical Assistance

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.