1. **What website should I use to conduct the DPS name-based search?**

A: [Criminal History Conviction Name Search (texas.gov)](https://publicsite.dps.texas.gov/ConvictionNameSearch/)

1. **How much does a background check cost?**

A: $3.25 per background check (as of April 2023)

1. **When am I expected to meet compliance with this requirement?**

A: Contractors must meet compliance with this requirement by August 1, 2023.

1. **What information do I need in order to search in the DPS name-based search platform?**

A: First Name, Last Name, Date of Birth

1. **Once I run a background check using the DPS name-based search, I only have access to the record for 7-days. Do I need to maintain it for longer? What format should I store it in?**

A: Background check records should be maintained for 7 years from the date of the record. Records may be preserved in paper form or electronic form in a secure location.

1. **If the DPS name-based search results return as “no search results found”, what information should I keep on record?**

A: You may indicate on the results page that no results were found and sign and date the page.

1. **If the DPS name-based search results return as “no search results found” but include information regarding individuals with convictions who have a similar name or birthday. How should I store these records?**

A: Information not pertaining to the subject of the search should be redacted before the record is stored.

1. **If a contractor runs a more extensive background check, what documentation must the contractor keep on record?**

A: The contractor should retain the background check results utilizing the same procedure as a name-based search. If contractors run a more comprehensive background check, the results must be available if/when the contractor is monitored. If the contractor is unable to provide a copy of the background check, the contractor must recreate the search.

1. **What if a background check search returns with a record that I know is inaccurate?**

A: The contractor is responsible for verifying the accuracy of the results. If the results cannot be corrected, the contractor may contest the results. Contested results will be addressed on a case-by-case basis. To contest a result, please follow the exceptions request process.

1. **What if a background check search returns with no records, but the contractor is aware of a conviction that is not showing up in the results?**

A: The contractor is responsible for verifying the accuracy of the results and relying on accurate information when reviewing background check results. If the contractor identifies that the information reflected on the background check search is not accurate, the contractor must take appropriate steps to obtain accurate information via a more comprehensive background check. If exception is being requested, the additional information should be shared with TWC.

1. **If a background check identifies an offense that has been deferred what process should be followed?**

A: If the offense has not been resolved at the time of the Background Check, please utilize the Exception Request process. If the Background Check Subject has completed the Deferred Adjudication and received a dismissal, do not treat as a conviction.

1. **What if the background check does not list the offense the staff person has self-identified?**

A: Ask the staff member for more information, obtain documentation and if appropriate, and submit an exception request.

1. **Do I have to run a background check on all my staff?**

A: 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. All contractor staff must have a background check. 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 chooses not to do a 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.

Some contractors are exempt from the background checks requirement. Please see the Contractors Exempt from Criminal Background Checks resource for more information.

1. **Do all versions of the background check have to be kept for 7 years? For example, when a new one is run for the 3-year time frame, or the self-disclosure do I replace the original or keep both on file?**

A: Yes. Any background check run within the past 7 years should be retained.

1. **Can all background checks be kept in the same folder, or do they need to be separated based on employee?**

A: Background check information should be separated by individual and should be stored separately from the individual’s personnel or medical file.

1. **What are the restrictions on what the contractor does with the background check? Who can they share this information with?**

A: Contractors should not share background check information with anyone outside of those who have authority to view it.

1. **If a contractor already, prior to the requirement, ran a background check, do they have to run again, or can they use the results from the background check that was previously run?**

A: It depends on how long ago the last search was run. If the check was run within six months of August 1, 2023, and the contractor still has access to the results, a second search is not required. If the check was run within six months, but the contractor does not have access to the results, the contractor must run another background check search. If the search was run over six months ago, a new search must be conducted.

1. **Are there any sources that I may review to become more familiar with background check laws?**

A: Yes, resources include:

* [Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act | U.S. Equal Employment Opportunity Commission (eeoc.gov)](https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions)
* [eCFR :: 12 CFR 1002.12 -- Record retention.](https://www.ecfr.gov/current/title-12/chapter-X/part-1002/section-1002.12)

These resources are not a substitute for advice from an attorney. If you have any questions about your obligations or specific fact scenarios, you should consult and attorney for future advice.

1. **Are there other forms where I need to document my employee’s compliance with the background checks requirement?**

A: Yes, contractors are required to submit an updated VR3455, Provider Staff Information Form for all existing and new staff members who provide services listed on the form to TWC-VR customers. The updated VR3455 must be submitted to either the TWC-VR Regional Quality Assurance Specialist (Q) or TWC-VR Regional Program Support Specialist (RPSS) no later than April 30, 2024. To access a list of Q’s and RPSS’s along with their contact details, please visit the [VR Subject Matter Experts list](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.twc.texas.gov%2Fsites%2Fdefault%2Ffiles%2Fvr%2Fdocs%2Fvr-subject-matter-experts-list-twc.docx&wdOrigin=BROWSELINK).