

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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SUPERSEDES: 09/01/09

SUBJECT: OFFENDER EMPLOYMENT

AUTHORITY: TEXAS GOVERNMENT CODE ANN. § 508.221; TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 42.12, SECTION 11; TEXAS OCCUPATIONS CODE, CHAPTER 53.0211; TEXAS LABOR CODE ANN. § 306. TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 15.27, TEXAS EDUCATION CODE, SECTION 25.001

PURPOSE: To establish policy and procedures relative to offender employment and procedures for selection and referral of offenders to the Texas Workforce Solutions Centers.

DEFINITIONS:

License: A license, certificate, registration, permit, or other authorization that is issued by a licensing authority with a person who must obtain to practice or engage in a particular business, occupation, or profession.

Licensing Authority: A department, commission, board, office, or other agency of the state that issues a license.

PROCEDURE:

I. TEXAS WORKFORCE COMMISSION (TWC)

The TWC is the state government agency charged with overseeing and providing workforce development services to employers and job seekers of Texas. For offenders who are seeking employment, TWC offers career development information, job search resources, training programs and, as appropriate, unemployment benefits. The TWC is part of a local/state network dedicated to developing the workforce in Texas. The network is comprised of the statewide efforts of the Commission coupled with planning and service provision on a region level by 28 local workforce boards. This network gives customers, to include offenders, access to local workforce solutions and statewide services.

II. REFERRAL CRITERIA TO LOCAL WORKFORCE SOLUTIONS CENTERS

- A. Parole officers shall refer to a Workforce Solutions Center all offenders under parole supervision who are unemployed, part-time employed, and/or underemployed during their initial district parole office visit, or no later than five (5) business days of the offenders initial report day, or when learning of unemployment/under-employment or special employment needs. The exception to this rule is offenders who:
1. Exhibit symptoms of current illicit drug use or alcohol abuse. The offender shall be referred once the offender is satisfactorily participating in a substance abuse program or there is no evidence of further substance abuse; or
 2. Have a felony charge or arrest pending (outstanding warrant) or are in Pre-Revocation status; or
 3. Have a documented disability and have applied for disability benefits. The application for disability benefits shall be verified and documented in the Offender Information Management System (OIMS) Employment and Medical screen, Comments section.
- NOTE:** An offender who is attending an academic school or vocation training program full-time shall be exempt from a referral to a local Workforce Solutions Center. The parole officer, upon verification of the offender's enrollment, shall update the Program Referrals screen of the offender's OIMS record. Verification and documentation of compliance shall be conducted in accordance with section IV of this policy. The offenders shall be referred to the local Workforce Solutions Center following completion of and/or withdrawal from the program if the offender has not obtained full-time employment status.
- B. Under-employment, for the purpose of this directive, is defined as any offender who is working less than 25 hours per week or an offender with high, specific skill levels, but not utilizing those skills. For example, an offender who is a welder by profession, but works at a restaurant as a waiter/waitress may be considered under-employed due to not utilizing the specific skill. On the other hand, an offender who is a welder by profession, but resides in an area where there are no welding opportunities may not be considered under-employed.
- C. Unemployed/under-employed or part-time employed offenders shall not be excused from a Workforce Solutions referral. Parole officers shall not delay referral due to the offenders assertions of looking for employment on their own or working part-time. The offender may seek employment on his own or work part-time while seeking more suitable employment, but shall also utilize the services available through Workforce Solutions Centers.

III. REFERRAL PROCEDURES

- A. The offender shall be referred to the most accessible Workforce Solutions Center and the referral shall be documented in the OIMS within three (3) business days of the referral. Specific Workforce Solutions Center locations can be obtained from the Texas Workforce Commission website at <http://www.twc.state.tx.us/dirs/wdas/directory-offices-services.html>.
- B. The parole officer shall provide the offender with specific written instructions of the referral to include date and location.
- C. When an offender does not comply with the referral instructions within 30 calendar days, the parole officer shall document non-compliance in the offender's OIMS Program Referral section and Contact screen. The offender shall be re-referred to the Workforce Solutions Center and advised that further non-compliance will be addressed in accordance with PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*.

IV. DOCUMENTATION OF OFFENDER REFERRAL AND EMPLOYMENT

- A. Within three (3) business days after the contact or within three (3) business days after returning to the designated headquarters from contacts conducted in the field, the parole officer shall document employment referrals or reason for no referral. This shall include offender attendance at a Workforce Solutions Center, compliance with employment referrals, employment type, location and date of secured employment. The parole officer shall complete the documentation in the appropriate OIMS section (e.g., Contacts, Program Referrals, and Employment).
 - 1. The offender shall provide to the parole officer written verification of attendance at a Workforce Solutions Center and any employment leads obtained.
 - 2. The parole officer shall document attendance, as appropriate, in the Program Referrals screen in the OIMS.
- B. The parole officer shall verify and document all employment data in the offender's Employment screen in the OIMS and complete all data fields. All employment information shall be entered, including employment that is temporary or part-time, changes in employment, or termination. If an offender has more than one (1) employer at the same time, enter data for all employers on separate screens.
- C. If the parole officer receives an offender's Birth Certificate, Social Security Card, Selective Service Registration card, or other documents from TDCJ Reentry and Integration Division, the documents(s) shall be delivered to the offender. The parole officer shall document receipt and delivery of the documents in the OIMS. If the parole officer is unable to deliver the documents to the offender, all documents shall be returned to the TDCJ Reentry and Integration Division (Austin).

V. DEVELOPMENT OF EMPLOYMENT PROSPECTS

Parole officers must develop relationships with prospective employers in the course of caseload supervision. A good working relationship with employers is essential for future referrals and gathering employment resources.

VI. EMPLOYMENT VERIFICATION AND DOCUMENTATION

- A. Offender employment shall be verified every month by means of employer contact, pay stubs, or third-party verification (i.e., credible collateral contact or with other person with knowledge of the offender's activities). Offender disability claims and claims of application for disability shall be verified by means of official documentation from the State agency that handles disability claims.
1. All employment data shall be entered within three (3) business days in the Offender Employment screen in the OIMS and all data fields shall be completed. The *Effective Date*, *Termination Date*, *Job Title*, *Verification Date*, and *Income* fields are required for statistical purposes.
 2. All employer contacts and third-party verifications, to include occupational license verification, shall be entered as collateral contacts in the Contacts screen in the OIMS.
 3. In the *Job Title* field, the parole officer shall choose the most appropriate description of the offender's employment functions. An Employment DOT Job Titles search screen, which supplies a listing of DOT Job Tiles and descriptions, can be accessed by entering the Job Titles and Income screen in the OIMS Employment screen. Enter a brief description of the offender's job in the *Job Titles Search* field and by choosing the Find DOT Job Title button, selecting the most appropriate title.
 4. Complete the Income screen fields, including *Effective Date*, *Amount*, *Pay Frequency*, *Average Hours Worked per Week*, and enter any comments.
- B. Job titles for offenders who are "Underemployed," "Unemployed," "Part-Time Student and Unemployed," "Full-Time Student or Vocational Training and Unemployed," "Retired and Unemployed," or "Disabled and Unemployed" shall be entered in the OIMS using the appropriate job title.
- C. Parole officers shall enter termination dates on the current offender Employment screen whenever an offender changes employment and whenever an offender becomes employed, underemployed or unemployed, or status changes to Inactive-PRW or Active in Custody. The parole officer shall add a new record with available information and enter comments regarding instructions in order to provide any missing data and/or questions by parole officers, unless there is a status change, then terminate the current employment screen, with appropriate comments, and without completing a new screen.

- D. Entries shall be completed no later than three (3) business days after the contact or within three (3) business days after return to the designated headquarters from contacts made in the field.

VII. DISAPPROVED EMPLOYMENT

The offender may work faithfully at suitable employment. However, a request for employment, unless approved by the unit supervisor when it is in the best interest of society, shall be denied when employment is:

- A. In places with high propensity for criminal activities such as businesses located in areas with known drug-related activities and/or habitually frequented by criminal offenders.
- B. In the general area of collections, repossessions, or any endeavor with high conflict potential.
- C. Presenting criminal offense temptation or opportunity relative to the offender's criminal history (e.g., employment with access or exposure to alcohol, drugs, or other intoxicants for offenders with a substance abuse history).
- D. As a paid or unpaid informant, unless approved by the Parole Division Deputy Director of Field Operations.

VIII. OFFENDER EMPLOYMENT IN TREATMENT FACILITIES OR PROGRAMS

A. Contract Providers

Offender employment with TDCJ contract providers (professional or non-professional) shall meet all eligibility requirements contained in PD-75, *Applicants with Pending Criminal Charges or Prior Criminal Convictions*, and be approved by the appropriate TDCJ division. Approval must be granted by the supervising officer, unit supervisor, parole supervisor and appropriate TDCJ Division Director.

B. Professional or Non-Professional Position With Non-Contract Providers

- 1. Offenders seeking professional employment with providers not under contract with TDCJ and who would interact with program participants and have access to confidential records (e.g., administrator, counselor, aide) or non-professional employment (e.g., laborer, cook, groundskeeper) shall meet the following criteria in order to be considered:
 - a. Have at least two (2) years of continuous sobriety immediately prior to the date of employment. Time spent in an In-Prison Therapeutic Community/Substance Abuse Felony Punishment Facility (IPTC/SAFPF) facility may count toward the sobriety requirement.

- b. For two (2) years immediately **prior** to the date of hire, have:
 - i. No arrests or convictions for new offenses;
 - ii. No confirmed incidents of major disciplinary actions by the Correctional Institutions Division (CID); and
 - iii. No violations of conditions of release.
 - c. Meet all licensing requirements deemed appropriate for the program.
2. Approval must be obtained from the Region Director.
 3. Any criminal activity, violations of release, sustained allegations of unethical behavior, or use of alcohol or illegal drugs shall be grounds for immediate termination of approval of employment. Random drug testing shall be utilized to monitor offender abstinence.

IX. OFFENDER OCCUPATIONAL LICENSE/ PROVISIONAL OCCUPATIONAL LICENSE

- A. Texas Occupation Code, Chapter 53.0211, allows for licensing authorities to issue to an offender who is otherwise qualified and has been convicted of an offense a provisional license for a term of six (6) months.
- B. An offender who is issued an occupational license shall provide the licensing authority the name of his supervising parole officer and the supervising parole officer's contact information.
- C. The supervising parole officer shall notify the licensing authority of the offender's status, in the event the offender's status is revoked during the period of supervision, and document the notification in the OIMS.

X. NOTIFICATION OF PAROLE STATUS

- A. Notification of parole status and public criminal history information shall be made in every case in which such information is requested by employers. Written applications for employment generally seek this information and efforts by offenders to evade responses or provide false information shall not be tolerated.
- B. The parole officer shall, within three (3) business days after the contact or within three (3) business days after return to the designated headquarters from contacts made in the field, verify that the employer is aware of parole status and if not, shall notify the employer of the offender's parole status in the following employment situations:
 1. Institutional settings (e.g., hospitals, schools, churches) or possibly requiring entry into institutional settings;

2. At apartment buildings, resorts, or hotels when the offender has a history of unlawful entry, burglary, sex offense, property, arson, or the job requires entry into another person's residence by an offender with a sex offense or history of offenses against persons or property;
3. Positions of special trust such as accountant, bookkeeper, office manager, cashier, auditor, or supervisor;
4. As a domestic aide;
5. As a resident farm hand; or any position in which the offender resides at the work location; or
6. Positions involving operation of a motor vehicle when the offender has a history of Flight, Evading Arrest, Leaving the Scene of an Accident, Failing to Stop and Render Aid, or alcohol or substance abuse.

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