

Texas Workforce Commission

**NCP Choices Program
Guide**

January 2012

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Noncustodial Parent Choices Program Guide

Overview of Guide

Purpose

The purpose of this guide is to provide:

- policies and procedures for the Noncustodial Parent (NCP) Choices program; and
- guidance and information on assisting NCP Choices participants in their efforts to obtain and retain employment and meet their child support obligations.

Objectives

The objectives of this guide are to:

- communicate expectations for NCP Choices participation and program requirements;
- ensure service consistency; and
- improve links between partner agencies.

Target Audience

The target audience for this guide is:

- Texas Workforce Solutions Office staff;
- Local Workforce Development Board (Board) staff; and
- Texas Workforce Commission (TWC) staff.

Chapters of the Guide

The numbering system for this guide is based on numerical divisions, with alphabetical subdivisions.

Chapter 1: Policy and Requirements

Chapter 2: Operations

Chapter 3: List of Revisions

Changes to Guide Content

TWC will update the guide, and notify Boards, when policy and/or automation changes affect the contents.

DRAFT

NCP Choices Program

Chapter 1 – Policy and Requirements

A. GENERAL POLICY INFORMATION

1. Background

a. Applicable Contract Authorities

The Noncustodial Parent (NCP) Choices program is authorized under Texas Labor Code §302.0035, the TANF State Plan and the following federal statutes and regulations:

Temporary Assistance for Needy Families (TANF) provisions in the Social Security Act, 42 U.S. Code (U.S.C.) §§ 601-619, as amended or supplemented by:

- Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. §§ 601 et seq.;
- Balanced Budget Act of 1997, Public Law (Pub.L.) 105-33;
- Deficit Reduction Act of 2005, Pub.L. 109-171;

b. Program Goals

Initiated in August 2005, NCP Choices is a collaborative effort of the Texas Workforce Commission (TWC), the Office of the Attorney General (OAG) of Texas, Local Workforce Development Boards (Boards) and their Workforce Solutions Office staff, and family court judges. The program targets low-income unemployed or underemployed noncustodial parents (NCPs) who are behind on their child support payments and whose children are current or former recipients of public assistance.

The goal of the program is to help NCPs overcome substantial barriers to employment and career advancement while becoming economically self-sufficient and making consistent child support payments.

The success of the NCP Choices program is largely attributable to four core elements:

1. Court-ordered program participation. Failure to participate leads to “swift and certain consequences,” up to, and including, jail time;

2. Presence of Workforce Solutions Office staff at the court to meet with NCPs immediately after being ordered into the program;
3. Intensive case management by Workforce Solutions Office staff, including weekly in-person contact until NCPs enter employment, and monthly verification of continued employment; and
4. Close communication with program partners regarding NCPs' participation and progress in the program.

c. Funding

Funded with statewide TANF funds, the NCP Choices program is modeled on previous NCP employment programs and Texas's TANF employment and training program, Choices. NCPs that are ordered into the program by the court system either participate willingly in the program or are subject to consequences determined by the court.

d. Target Population

To be eligible for NCP Choices, an NCP must:

- have a child support case in which the child and/or custodial parent is a current or former recipient of TANF or Medicaid benefits;
- be delinquent in child support payments (enforcement cases only);
- be unemployed or underemployed;
- reside in the geographical area served by the participating Board;
- be legally able to work in the United States; and
- have a court order mandating participation in the NCP Choices Program.

Only NCPs who meet all of the criteria listed above may participate in NCP Choices. New participants cannot be referred to NCP Choices by staff or other programs, and prior participants cannot resume participation without a new order or referral. A noncustodial or custodial parent who is not eligible for NCP Choices may still access workforce services as a universal customer through the local Workforce Solutions Offices.

e. Results to Date

Despite the fact that this is one of the hardest-to-serve populations, the NCP Choices program has seen unprecedented employment, job retention, and child support results. Between August 2005 and August 2010 (FYs 2006-2010):

- 70 percent of participating NCPs entered employment (on average, within 9 weeks), and
- 63 percent retained employment for at least six months.

In addition:

- Custodial parents are 21% less likely to receive TANF benefits;
- More than \$41 million in child support was collected through September 2011; of which approximately 10% has gone to repay TANF, Medicaid, foster care, and child support collections programs.

2. Definitions of NCP Choices Acronyms and Terms

IV-D—The section of the Social Security Act which outlines the federal regulations relating to child support collections.

IV-D Court—court that handles cases related to paternity and child support.

Acknowledgement of Paternity (AOP)—when both parents sign an Acknowledgment of Paternity and it is filed with the Bureau of Vital Statistics, the biological father becomes the legal father. Once paternity has been established, the father's name is placed on the birth certificate. A court can then order the father to pay child support and grant him the right to visitation or possession of his child.

Administrative Income Withholding (AIW)—child support that is automatically taken out of an NCP's wages, also known as garnishing wages or an Income Withholding Order (IWO).

Arrears—unpaid child support debt.

Assessment—an in-depth evaluation of employability, educational history, vocational and educational skills, literacy levels, work experience, criminal history, special circumstances, and support service needs.

Capias—a writ (court order) issued by a court directing an officer to arrest the person named. This is also known as an arrest warrant or bench warrant.

Child Support Review Process (CSRP)—a non-adversarial way for parents to resolve legal issues about their child support without going to court. Parents meet with a child support officer to establish an order. Once an agreement is reached, a CSRP order is filed with the court and reviewed by a judge. After the judge has signed it, a CSRP order is legally binding and will be enforced just as any order obtained through a court proceeding.

Choices Online Tracking System (COLTS)—the Web-based tracking and reporting system shared by TWC, Boards, Workforce Solutions Office staff, and OAG that is used to store and retrieve real-time NCP Choices participant data. Approved users may access the system at <https://www.oag.state.tx.us/cs/ofi/colts/login.php>. OAG also provides related resources and information via the COLTS website, including: the COLTS User

Guide, the Authorization to Release Information form, a copy of the Board/OAG MOU, and monthly statewide performance reports.

Compliance hearing—a court hearing to review an NCP’s compliance with program requirements. Compliance hearings are typically scheduled for enforcement cases at 30, 60, or 90 days (depending on the court) from the date an NCP is ordered into NCP Choices.

Custodial parent—the individual who has primary care and custody of the child.

Deferred commitment—court order in which an NCP’s jail sentence (commitment) is deferred to a future court date, at which time the NCP may begin serving his or her jail sentence.

Domestic Relations Office (DRO)—county court office that provides information and services related to child support orders, including collections, support and possession of and access to children, and enforcement of orders for child and medical support.

Enforcement hearing—court hearing in which solutions to obtain child support payments are applied. Enforcement hearings are not held unless the noncustodial parent has past due, unpaid child support payments or is considered to be in arrears.

Establishment hearing—court hearing that establishes paternity and child support payment levels.

Income Withholding Order (IWO)—a court order requiring that child support is automatically taken out of an NCP’s wages, also known as garnishing wages or Administrative Income Withholding (AIW).

Individual Employment Plan (IEP)—a plan of action developed by Workforce Solutions Office staff with the NCP Choices participant and based on assessments of the NCP’s skills, strengths, and abilities, with the goal of self-sufficiency through employment. The IEP must include post-employment service strategies to assist the NCP with employment retention and advancement.

Local Workforce Development Board—the organization responsible for the planning and oversight of workforce services within a designated Local Workforce Development Area (workforce area).

Motion to revoke (MREV)—the revocation of a suspended or delayed commitment order. If an NCP does not comply with his or her child support order, OAG submits an MREV requesting that the judge revoke the suspended or deferred commitment and issue a warrant for the arrest of the NCP. This is also known as Motion to Revoke Probation or MTRP.

NCP Choices participant—an individual who is participating in the NCP Choices program as directed by an enforcement or establishment order.

Noncompliance—noncooperation with NCP Choices program guidelines, including a lack of participation in work search activities, lack of response to outreach notices, or nonpayment of child support.

Noncustodial Parent (NCP)—an individual who does not have primary care or custody of his or her child and is required to pay child support; also known as the obligor.

Obligor—the person responsible for paying child support; also known as the noncustodial parent.

Obtained Employment – when an NCP enters employment while participating in NCP Choices. This is different from Common Measures' Entered Employment performance measure.

Office of the Attorney General (OAG)—the state agency serving as legal counsel for the State of Texas; among other duties, it is charged with the collection of court-ordered child support.

Retained Employment – when an NCP has held employment for six months while in the NCP Choices program.

Suspended commitment—court order in which an NCP's jail sentence (commitment) is suspended.

Texas Child Support Enforcement System (TXCSES)—the OAG data-automation system used for storing and retrieving NCP case information and status.

The Workforce Information System of Texas (TWIST)—the TWC data automation system used for storing and retrieving NCP Choices participant data, such as demographics and performance. The *NCP Choices TWIST Quick Reference Guide* is available at <http://www.twc.state.tx.us/welref/ncpdeskaid.pdf>.

Work Activities—Work activities for the purposes of this program include the following activities: Job Readiness, Job Search, Vocational/Educational Training, Work Experience, On-the-Job Training, Subsidized Employment, Unsubsidized Employment, and Community Service.

Workforce Orientation for Applicants (WOA)—an orientation that includes information on available Texas workforce system services designed to assist job seekers in obtaining employment.

3. NCP Choices Responsibilities

a. TWC Responsibilities

TWC:

- issues rules, policies, and guidelines;
- contracts with Boards to provide services;
- conducts regular site visits, in coordination with OAG staff, to NCP Choices program areas to meet with Board, Workforce Solutions Office, and OAG staffs to review program progress and to identify necessary program enhancements;
- provides training and technical assistance to participating Board and Workforce Solutions Office staffs as necessary and appropriate;
- analyzes and monitors fiscal and performance activities on an ongoing basis; and
- coordinates with OAG to identify and implement enhancements to NCP Choices.

b. Office of Attorney General Responsibilities

OAG:

- identifies eligible NCPs who may benefit from participation in NCP Choices;
- communicates NCP Choices benefits and consequences to NCPs who are, or or may be, ordered court into NCP Choices;
- prepares appropriate NCP court orders, including provisions to participate in NCP Choices;
- uses COLTS to maintain a comprehensive log of participant outcomes;
- sets enforcement hearings or expedites NCPs' removal from NCP Choices upon notification of an NCP's non-compliance with program guidelines; and
- participates in monthly meetings with Board and Workforce Solutions Office staff to review program progress and to identify necessary program enhancements.

c. Local Workforce Development Board Responsibilities

The Board shall design systems, subcontracts, and structures supporting the provision of services, and supporting strategies reasonably calculated to achieve the goals of the NCP Choices Program.

Boards must:

- provide ongoing oversight and management of the NCP Choices program;

- analyze and monitor fiscal and grant award performance activities on an ongoing basis;
- provide technical assistance to Workforce Solutions Office staff as necessary and appropriate;
- develop and implement corrective action plans as needed to improve program performance;
- coordinate monthly NCP Choices meetings with OAG and Workforce Solutions Office staff to discuss and review program progress and to identify necessary program enhancements;
- develop a memorandum of understanding (MOU) with OAG that outlines both parties' program roles and responsibilities; and
- comply with all WD Letters and TWC issuances relating to the NCP Choices program.

d. Texas Workforce Solutions Office Responsibilities

Boards must ensure that Workforce Solutions Offices designate a sufficient number of staff to serve as case managers, who are responsible for:

- attending court hearings to enroll eligible participants in the NCP Choices program and being available in subsequent hearings to provide testimony as needed;
- serving eligible participants by providing allowable employment services;
- accurately documenting case activity, services, employment, wages, and court order compliance within three (3) business days in TWIST and COLTS;
- coordinating program activities with TWC, Boards, OAG, and the local court system;
- co-enrolling participating NCPs in other workforce programs as necessary and appropriate;
- participating in monthly NCP Choices meetings with Board and OAG staffs to review program progress and to identify necessary program enhancements;
- ensuring case managers each maintain a caseload of no more than 35 active cases; and
- complying with all WD Letters and TWC issuances relating to the NCP Choices program.

e. All Parties Responsibilities

All parties must:

- formalize processes for sharing information regarding NCP Choices outcomes for reporting requirements, as appropriate and allowable;
- promote joint planning to include processes and procedures;
- provide coordinated services that address barriers to assisting participants with finding and retaining employment and payment of child support; and

- maintain the confidentiality of applicant information and use applicant data only for the administration of the parties' appropriate programs.

f. NCP Participation Requirements

At a minimum, NCPs must:

- participate in work activities for 30 hours per week (see definition on page 9);
- meet in person with their NCP Choices case manager weekly concerning NCP Choices activities until employed;
- complete and return to the NCP Choices case manager all required forms related to NCP Choices activities and program participation;
- report to employers when referred;
- accept bona fide offers of suitable employment; and
- submit documentation verifying continued employment each month for six months.

4. Appeals of NCP Choices Activities and Support Services Decisions

Boards must ensure that Workforce Solutions Office staff providing NCP Choices services informs NCPs of their rights to appeal a decision related to NCP Choices activities and support services. Boards must establish policies to inform individuals of their right to file an appeal if a determination adversely affects the type and level of services provided by the Board or its designee. This can be accomplished by:

- verbally informing NCPs of their appeal rights during employment planning meetings;
- distributing materials, including leaflets and brochures, during employment planning meetings at the Workforce Solutions Office, that inform NCPs of their rights to appeal; and
- posting signs in the Workforce Solutions Office regarding the right to appeal.

Boards must ensure that NCPs are provided with the Workforce Solutions Office's address, name of a contact person, and a specific time period for filing an appeal. NCPs can appeal a decision under the hearings process set forth in TWC's Integrated Complaints, Hearings, and Appeals rules at 40 TAC, Chapter 823 (<http://www.twc.state.tx.us/twcinfo/rules/ch823.pdf>).

5. Discrimination Complaints

NCPs alleging discrimination on the basis of age, race, color, national origin, or physical or mental disability have a right to file a written complaint of alleged discriminatory acts

within 180 calendar days from the date of the alleged discriminatory act. NCPs must submit complaints to the following address:

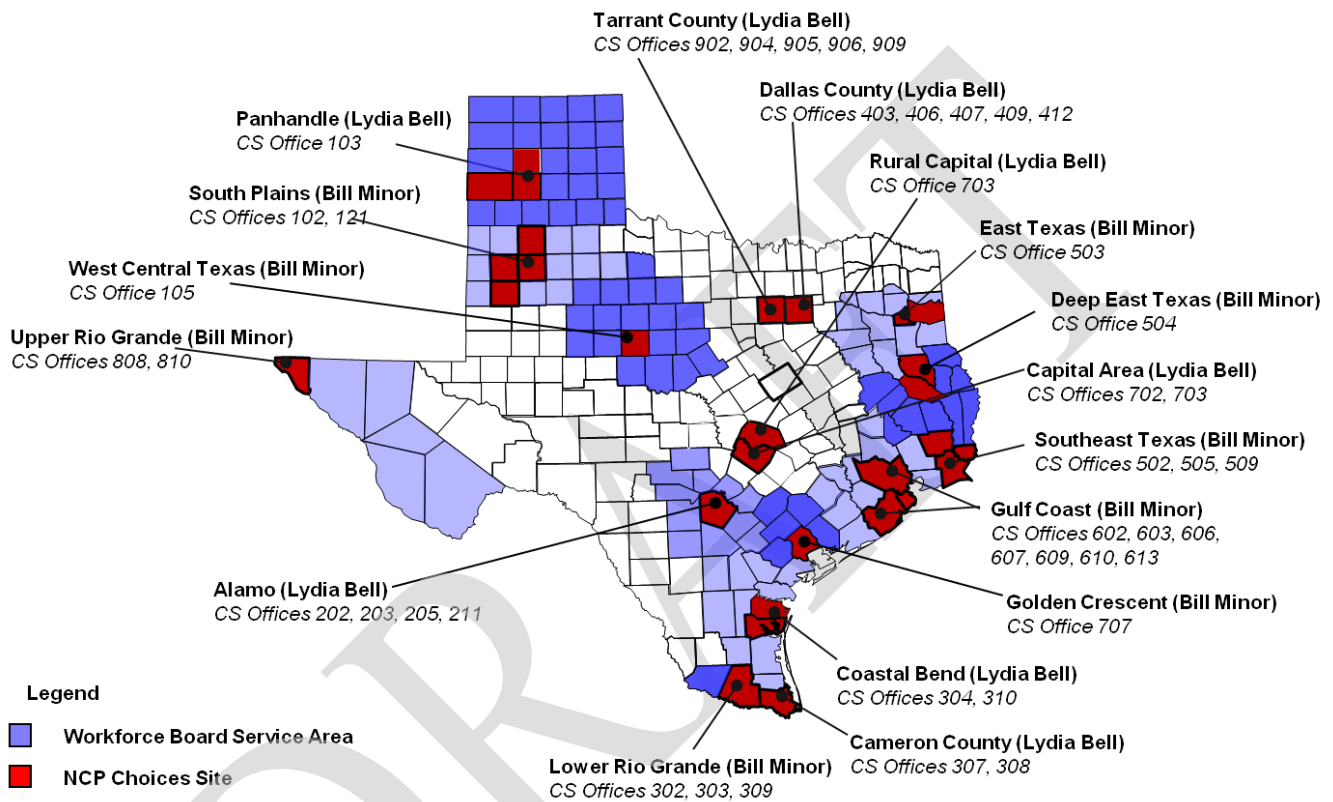
Texas Workforce Commission
Subrecipient Monitoring and Equal Opportunity Department
101 East 15th Street, Room 242T
Austin, Texas 78778-0001

Boards must ensure that Board or Workforce Solutions Office staff advises NCPs who express an interest in filing a discrimination complaint of their rights to file a complaint and of the complaint procedures.

6. Geographic Coverage

As of January 2012, the NCP Choices program operates in 17 workforce areas.

Existing NCP Choices Sites



NCP Choices Program

Chapter 2 – Operations

A. CASE MANAGEMENT

The role of Workforce Solutions Office staff in the NCP Choices program is to eliminate NCPs' barriers to employment so they can enter stable employment. Intensive case management is vital to ensuring that NCPs do not fall or slip, through the cracks.

Active participation is a basic requirement of NCP Choices. NCPs are required to participate in 30 hours of work activities per week, as directed by Workforce Solutions Office staff.

Boards must ensure that Workforce Solutions Office staff maintains:

- at least weekly in person contact with NCPs until they enter employment; and
- monthly contact with NCPs for six months after entering employment to track retention and provide post-employment services, as needed.

To provide effective case management, it is critical that Boards ensure that each Workforce Solutions Office staff person:

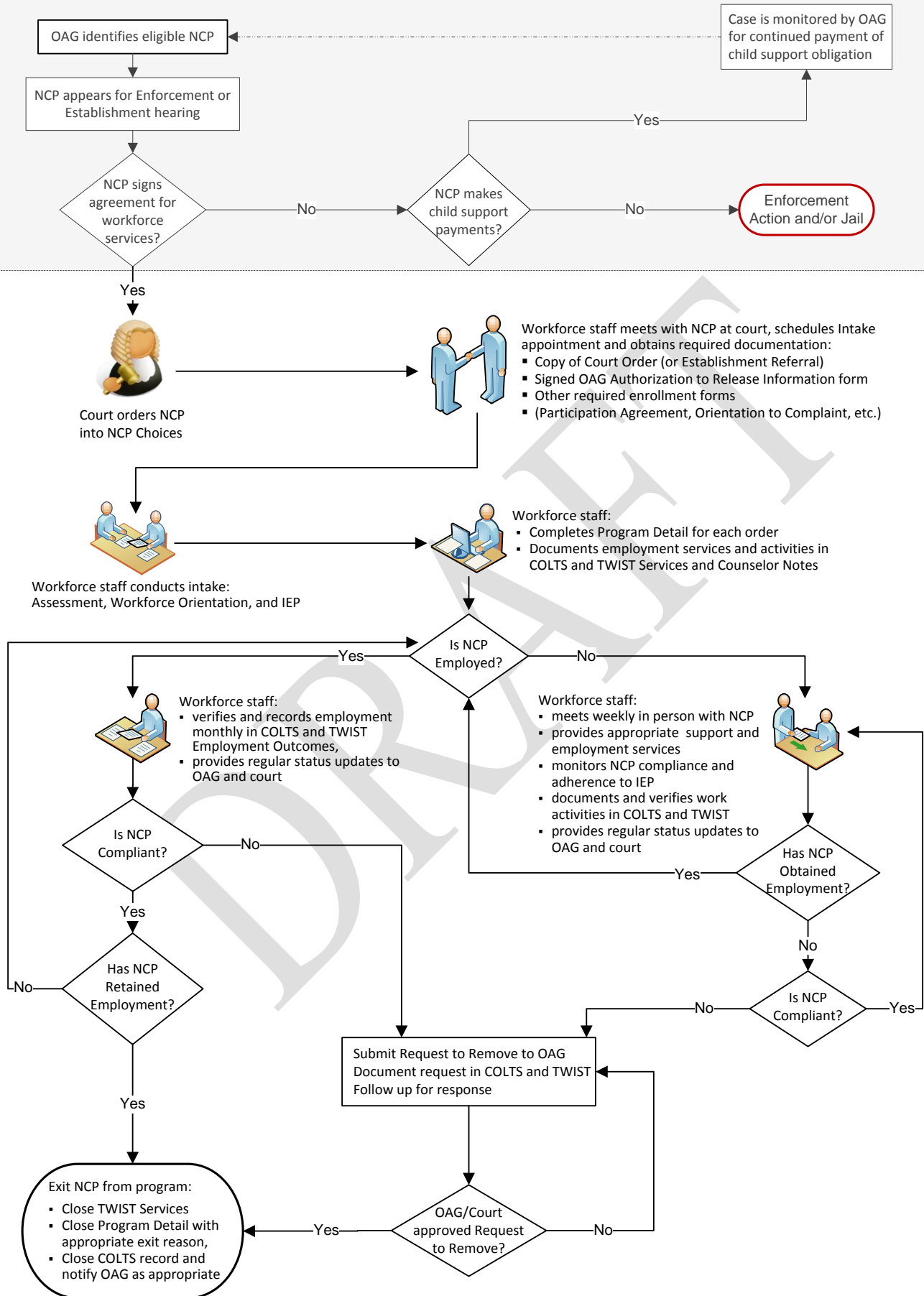
- carries an active caseload of no more than 35 active NCP cases at any given time;
- develops a thorough awareness of OAG's and the local court system's procedures and policies; and
- maintains ongoing communication with OAG staff regarding NCPs' program participation and progress.

Boards may coordinate information sharing and training with local OAG staff and additional technical assistance can be provided by TWC and/or OAG state staff.

In courts that hold compliance or review hearings, the court schedules and conducts judicial monitoring of cases. Boards must ensure that Workforce Solutions Office staff attends NCP hearings in conjunction with OAG, and provides testimony, when requested, regarding NCP compliance, noncompliance, and/or employment.

Boards must be aware that Workforce Solutions Office staff is not responsible for ensuring that NCPs make child support payments; however, monitoring and encouraging NCPs to make payments can be a critical part of an NCP's successfully meeting the terms of the court order.

NCP Choices Program Process Flowchart



1. Intake

OAG identifies eligible NCPs and works with the court to set hearings for NCP cases on upcoming court dockets. Workforce does not outreach NCPs. Instead local OAG offices have monthly ordered-in goals, typically 15 NCPs per month per child support office or court; the exact number varies by site.

Boards must ensure that Workforce Solutions Office staff attends these hearings (note that professional dress and behavior is expected in the courtroom). Workforce Solutions Office staff attendance at these hearings:

- allows for almost constant communication between judges, OAG, and Workforce Solutions Office staff;
- eliminates confusion about whether the individual has been ordered to participate in the NCP Choices program, either due to an enforcement or an establishment case,
- enables Workforce Solutions Office staff to immediately obtain a copy of the court order; and
- provides Workforce Solutions Office staff with the opportunity to have immediate contact with the NCP, which both reinforces the partnership between the judge, OAG, and Workforce Solutions Office staff, and gives Workforce Solutions Office staff the chance to introduce NCPs to the program when they are most receptive.

Once an NCP agrees to participate in NCP Choices, the judge will order the NCP into the program. Boards must ensure that immediately after the NCP is ordered to participate in NCP Choices, Workforce Solutions Office staff meets with the NCP to:

- explain the court order (including consequences for noncompliance), the NCP Choices program requirements, and available workforce services;
- obtain a signed OAG Authorization to Release Information form (available on the COLTS site or from TWC program staff), and signed copies of other required enrollment forms (Workforce Participation Agreement, Orientation to Complaint, etc.); and
- schedule an initial appointment to meet again within one week to complete a Workforce Orientation, Initial Assessment and an Individual Employment Plan.

Boards must ensure that within one week of the court order date, Workforce Solutions Office staff:

- has received a copy of the court order mandating the NCP's participation, and
- has completed an initial intake with the NCP.

The initial intake can be completed at court, but is typically completed during the first meeting with the NCP after being ordered to participate in the program. At this time, Boards must ensure that Workforce Solutions Office staff

- provides a workforce orientation;
- completes a comprehensive assessment of employment needs (including the need for support services), and
- jointly develops an Individual Employment Plan (IEP) with the NCP, and

- documents these services in TWIST and COLTS.

2. Workforce Orientation

The purpose of the workforce orientation is to inform NCPs of the services and tools available to facilitate their entry into the workforce. Boards must ensure that Workforce Solutions Office staff:

- allows NCPs to participate in a regularly scheduled Workforce Orientation for Applicants; or
- presents comparable information to help NCPs understand:
 - the benefits and advantages of becoming employed;
 - available workforce services and tools;
 - individual and parental responsibility; and
 - the likely consequences of noncompliance.

At a minimum, each workforce orientation must provide:

- NCP Choices program participation requirements;
- potential consequences of noncompliance with program participation requirements; and
- information on:
 - how to find a job;
 - local labor market information;
 - job counseling, job search, and job referral assistance;
 - the availability of support services;
 - WorkInTexas.com;
 - other available services such as the Work Opportunity Tax Credit, Fidelity Bonding, Workforce Investment Act (WIA), and the Earned Income Tax Credit;
 - assistance with applications and résumés;
 - interests, aptitude, and educational testing;
 - books, magazines, or Internet links to careers and employers; and
 - resource room access (computers, phone, fax, etc.).

3. Assessment

Boards must ensure that Workforce Solutions Office staff performs initial and ongoing assessments to:

- determine the employment and retention needs of all NCP Choices participants, including wage advancement and career development needs; and
- guide the development of an IEP.

Boards may develop their own procedures and documentation requirements relating to assessments, provided the assessments identify an NCP's:

- vocational and education skills and training;

- work experience;
- job interests and goals;
- pre- and post-employment skills development needs in order to determine the necessity of job-specific training;
- support service needs; and
- individual and family circumstances that could create barriers to employment or participation in NCP Choices.

4. Employment Planning

Boards must ensure that Workforce Solutions Office staff jointly develops an IEP with each NCP to identify the participant's employment goals and the sequence of services and/or activities needed to transition to permanent employment. The IEP is an agreement with the NCP, describing each party's responsibilities.

Boards must ensure that Workforce Solutions Office staff:

- completes the initial IEP no later than one week following the date of intake; and
- includes the following elements in the IEP:
 - NCP's education level, skills, abilities, and interests
 - NCP's obstacles or barriers to successful program participation and goal attainment
 - NCP's long-term employment goal
 - NCP's short- and long-term objectives
 - Mutually agreed upon strategies, services, and activities to be provided to assist the NCP in achieving his or her goals
 - Progress updates
- along with the NCP, sign, and date the IEP;
- provides a copy of the IEP to the NCP;
- retains the original IEP in the NCP's case file;
- ensure that IEP development is entered as a service in TWIST and that counselor notes in both TWIST and COLTS reflect the elements of the IEP.

Boards must ensure that:

- the NCP and his or her case manager regularly review and update the IEP, based on any changes in the NCP's goals, objectives, needs, barriers, progress, or activities; and
- the case manager documents reviews and updates in TWIST and COLTS following each meeting with the NCP.

The IEP may be modified based on the individual's progress. The IEP is intended to be a living document that is routinely reviewed and updated as necessary, based on changes in the NCP's needs, barriers, goals and objectives, progress, and goal attainment.

5. Employment Services and Activities

The services provided to NCPs are similar to the services provided to TANF recipients under TWC's Choices program. The goal of NCP Choices services is to eliminate barriers to employment and help NCPs obtain permanent, full-time employment earning self-sufficient wages.

Some local strategies to accomplish this goal have included:

- collaborating with, and co-enrolling NCPs in, other programs when appropriate (WIA, Self-Sufficiency Fund, targeted job training programs, apprenticeships, etc.);
- offering incentives, such as gift cards and gas cards, to encourage greater participation;
- connecting with local employers for subsidized employment or on-the-job training (OJT) opportunities; and
- providing short-term training in high-demand occupations (e.g., welding, HVAC, auto repair).

Boards must be aware that NCP Choices participants are required to participate in at least 30 hours of work activities per week until they enter full-time employment. Boards must ensure that case managers are accessible to allow NCP Choices participants to submit documentation of job search, report job search progress, and receive additional guidance.

Boards must provide the following employment and support services, as appropriate, based on Workforce Solutions Office staff assessments of individual NCP skills, strengths and barriers and as described in the NCP's IEP.

a. Job Readiness

Boards may provide job readiness services to assist NCP Choices participants in seeking, obtaining, and retaining employment. Job readiness activities must be documented in both COLTS and TWIST services and counselor notes. These activities include:

- life skills;
- guidance and motivation for development of positive work behaviors for the labor market;
- job skills assessment;
- job counseling;
- interviewing skills and practice interviews; and
- assistance with applications and résumés.

b. Job Search

Boards must be aware that job search activities can be self-directed or staff-assisted and include:

- seeking and obtaining information on available jobs;
- attending job fairs and job clubs;
- contacting job referrals;
- applying or interviewing for job vacancies;
- contacting potential employers; and
- participating in job development services focused on active engagement of employers.

Job search activities must be verified and documented in both COLTS and TWIST services and counselor notes, and includes the type of verification received. Boards have local flexibility to determine whether, and what percent of, documentation must be verified to validate job search activities.

c. Vocational Educational Training

Boards must ensure that, when provided, vocational educational training:

- is directly related to a demand occupation within the local labor market;
- is consistent with the employment goals identified in the IEP;
- is provided only if there is an expectation that employment will be secured upon completion of the training; and
- prepares NCPs for a specific trade, occupation, or vocation other than a baccalaureate or advanced degree.

Boards must ensure that training provided for an unemployed NCP is:

- short term (typically 4–6 weeks in duration); and
- coordinated with local OAG staff; and
- is verified and documented in both COLTS and TWIST services and counselor notes, and includes the type of verification received.

Examples of successful short-term training courses include OSHA HAZWOPER certification, auto repair, welding, truck driving, HVAC installation and repair, and forklift certification.

d. Educational Services

Boards must ensure that allowable educational services directly relate to employment, including:

- educational activities leading to a high school diploma or completion of a GED credential;
- Adult Basic Education (ABE);
- English as a Second Language (ESL); and
- workforce adult literacy and language instruction.

Boards must ensure that Workforce Solutions Office staff verifies the educational services curriculum to ensure that the NCP is provided with knowledge and skills related to specific occupations, work settings, jobs, or job offers.

Boards may:

- pay for the cost of testing and the issuance of certificates if other sources of payment are not available; and
- authorize payments up to the amount charged other customers of the test centers.

Boards must ensure that NCPs demonstrate readiness to take one or more of the tests before being referred to test centers by Workforce Solutions Office staff.

Boards must ensure that:

- charges cover the actual cost of testing, any national or state processing fees, and the cost of the certificate;
- direct payments are made to the test centers for testing costs and the issuance of certificates to NCPs; and
- services and/or activities are verified and documented in both COLTS and TWIST services and counselor notes, and includes the type of verification received.

Boards must be aware that distance learning is not an allowable activity unless it is performed in a supervised setting. Supervised settings include Workforce Solutions Offices, educational institutions, or other applicable settings where a responsible party is physically present and supervising the completion of the computer-based training.

e. Work Experience

Work experience includes any work without pay or compensation that allows an individual to gain knowledge, training, or skills necessary to obtain employment. Boards must ensure that work experience is:

- similar in concept to OJT;
- in the private, for-profit sector;
- authorized on a case-by-case basis;
- expected to improve the employability of the individual;
- time-limited (as defined by the Board) and designed to move the recipient into unsubsidized employment;
- unsalaried, with designated hours, tasks, skills, and attainment objectives;
- supervised daily by an employer, worksite supervisor, or designated representative; and
- verified and documented in both COLTS and TWIST services and counselor notes, and includes the type of verification received.

f. On-the-Job Training

OJT is provided by an employer, on or off the worksite, to an NCP who is engaged in productive work in a job. Boards must ensure that OJT:

- provides knowledge or skills essential to the full and adequate performance of the job;
- provides the employer with reimbursement of a percentage of the NCP's wage rate for the extraordinary costs of providing the training and additional supervision related to the training;
- is limited in duration as appropriate to the occupation for which the NCP is being trained, taking into account the content of the training, the prior work experience of the individual, and the service strategy of the individual;
- includes training specified by the employer (i.e., customized training);
- provides wages, benefits, and working conditions equal to those provided to the employer's incumbent employees who have worked a similar length of time and performed a similar type of work;
- is supervised daily by the employer, worksite sponsor, or service provider's designated representative; and
- is verified and documented in both COLTS and TWIST services and counselor notes, and includes the type of verification received.

Boards are not required to procure employers for OJT and customized training. However, if a Board chooses to offer OJT and customized training, it must establish local policies for identifying employers for OJT and customized training services.

g. Subsidized Employment

Subsidized employment is short-term employment, either full- or part-time, in the private or public sector, where a portion of the individual's wages are subsidized. It is designed to allow the individual to learn the skills necessary to transition into unsubsidized employment. A Board may not be the employer of record for NCPs enrolled in a subsidized employment activity. Employers cannot use subsidized employment to displace existing employees, and wages must be at least the federal minimum wage.

Subsidized employment must be verified and documented in both COLTS and TWIST services and counselor notes, and includes the type of verification received.

h. Unsubsidized Employment

Unsubsidized employment includes either full- or part-time employment in which wages are paid in full by the employer. If the NCP is not employed full-time,

Boards must ensure that he or she still participates in a total of at least 30 hours of work activities per week.

Employment must be verified and documented in both COLTS and TWIST services and counselor notes, and includes the type of verification received.

i. Community Service

Community service is a way to improve the employability of NCPs through unpaid work experience. Boards must ensure that community service is authorized on a case-by-case basis, and contains structured, daily supervised activities with a public or private nonprofit organization that directly benefit the community. Community service positions may include work performed in:

- a school or Head Start program;
- a church;
- a government or nonprofit agency; or
- AmeriCorps, Vista, or other private volunteer organization.

Boards must ensure that community service placements are limited to positions that serve a useful community purpose in fields such as:

- health;
- social service;
- environmental protection;
- education;
- urban and rural redevelopment;
- welfare;
- recreation;
- public facilities;
- public safety; and
- child care.

Community Service must be verified and documented in both COLTS and TWIST services and counselor notes, and includes the type of verification received.

j. WOTC and Fidelity Bonding

The Work Opportunity Tax Credit (WOTC) is a federal income tax benefit administered by the U.S. Department of Labor, for private, for profit employers who hire from target populations. WOTC reduces a business' federal tax liability, serving as an incentive to select job candidates who may be somewhat disadvantaged in their efforts to find employment. Many NCPs may qualify for

this tax credit, making them effectively cheaper employees. This can provide an additional incentive for employers to consider hiring an NCP. Additional information can be found in WD 24-10.

In addition, free Fidelity Bonding services are available that protect employers against employee acts of dishonesty, including theft, forgery, larceny, and embezzlement.

- Bonds are issued up to \$5,000 for at-risk applicants.
- Fidelity Bonding is an incentive to the employer to hire an at-risk applicant.
- Bonds are issued at no cost to the employer, with no deductible.
- Fidelity Bonding indemnifies a single, specific employer-employee relationship.
- Free Fidelity Bonding coverage is provided for a six-month period; thereafter, if no claim is made against the bond, it can be renewed through the regular commercial network.

Note: Fidelity Bonding is not a surety bond or performance bond (commonly required of contractors and self-employed individuals) or insurance for self-employed individuals.

Individuals eligible for Fidelity Bonding services include:

- Ex-offenders, including individuals with records of arrest, probation, or any police record
- Applicants with poor credit histories, including bankruptcy
- Veterans dishonorably discharged from the military
- Public assistance recipients
- Applicants with a substance abuse history
- Disadvantaged youth who lack a work history
- Anyone who cannot secure bonding through the regular commercial system

For more **information on fidelity bonding**, see **Technical Assistance Bulletin 243**. To submit a request on behalf of an NCP who has secured a job opportunity requiring fidelity bonding, e-mail fidelity.bonding@twc.state.tx.us.

k. Post-Employment Services

Because the first few months of employment are a critical time for new workers, post-employment follow-up and support services are important to helping individuals retain employment. Key post-employment strategies can include:

- extended or ongoing case management;
- assistance with transportation and work-related expenses;
- referrals to available education and training resources;
- additional career planning and counseling;
- referrals to other service providers and community resources; and

- mentoring.

B. SUPPORT SERVICES

Boards must provide support services, as appropriate, to NCP Choices participants to address barriers to employment or participation in NCP Choices.

Boards must ensure that support services are reasonable, necessary, and directly related to participation in the NCP Choices program. Allowable support services include the following:

- Transportation assistance
- Licensing fees
- Work-related expenses (e.g., tools, work clothes, glasses, work boots, etc.)
- GED testing payments
- Short-term training
- One-time, short-term, and non-recurrent payments

All support services provided must be documented in TWIST services and counselor notes.

Support services may be provided to NCPs participating in the NCP Choices program, including during the post-employment retention tracking period. However, Boards must ensure that support services are not extended to NCPs who are not in compliance with program requirements or who have exited NCP Choices.

1. Transportation Services

Boards may provide NCPs with a wide variety of transportation services, as long as the expenditures are reasonable, necessary, and directly related to participation in work-based services, education and training services, and post-employment services. It is recommended that Boards use or develop policies and procedures to ensure that transportation assistance is provided to NCPs when alternative transportation resources are not available.

Boards must ensure that the most economical means of transportation that meets the NCP's needs is used.

2. Work-Related Expenses

Boards may pay for work-related expenses that are necessary for NCP Choices participants to accept or retain employment. Boards also may pay for work-related expenses when an NCP participates in community service and work experience.

Boards may allow work-related expenses to be paid in advance or as a reimbursement, based on the individual's needs for the job. Examples of work-related expenses include

tools, uniforms, transportation, and the cost of vocationally required examinations or certificates.

Boards must ensure that Workforce Solutions Office staff:

- authorizes and reports work-related expenses in TWIST services and counselor notes; and
- documents expenses in the case records.

Additionally, Boards must ensure that local policy and procedures are established regarding the methods of, and limitations on, work-related expenses.

3. Nonmonetary Incentives for NCP Choices Participants

Nonmonetary incentives are compensation in the form of gift cards, gift certificates, or vouchers provided to an NCP in exchange for exceeding specified goals as defined by the Board. The intent is to improve employment and retention outcomes. Incentives do not include support services such as transportation or reimbursement of work-related expenses.

Boards choosing to offer nonmonetary incentives must develop guidelines and strategies (eligibility, limitations, etc.) that provide for the use of the incentives and ensure the incentives are accurately documented in TWIST in a timely manner.

4. Non-recurrent Short-Term Benefits

Boards may provide non-recurrent, short-term benefits designed to deal with specific crisis situations or episodes of need.

Boards must ensure that these benefits, which are not intended to meet recurrent or ongoing needs, do not extend beyond four months. Boards choosing to offer non-recurrent, short-term benefits must develop guidelines and strategies (eligibility, limitations, etc.) that provide for the use of the benefits and ensure the benefits are accurately documented in TWIST in a timely manner.

5. Child Care Services

Many NCPs have children with more than one partner and may need child care assistance in order to participate in NCP Choices. However, these NCPs do not meet current eligibility requirements for child care services and, currently, Child Care Services are not an allowable service using NCP Choices funds. TWC is working to find a solution and boards will be notified if and when this issue is resolved.

C. DOCUMENTATION REQUIREMENTS

Except as otherwise indicated, Boards may develop their own procedures relating to physical documentation requirements.

Boards must ensure that Workforce Solutions Office staff keeps the signed OAG Authorization to Release Information form (also available in the Resources section of the COLTS website) in the NCP's individual case file. OAG has the right to request an audit of these forms.

Hard copies of the following must also be maintained in individual case files:

- Documents that require a signature, including documents that TWIST cannot identify through data entry, such as job search worksheets, and
- Documents that notify individuals of special provisions related to the NCP Choices program.

At a minimum, all NCP Choices participants must maintain a daily log of their job search participation and employment contacts. Boards must ensure that Workforce Solutions Office staff documents and verifies participation in work activities at least weekly.

Boards may determine how NCP Choices participants present job search information, however, Boards must ensure that, at a minimum, job search documentation is signed and dated by the NCP and includes:

- information on potential employers contacted, including the method, date, and time of contact; the job opening; and the employer's name and contact information;
- daily records of the time spent engaged in job search; and
- a statement certifying that the information presented is true and correct.

The following are acceptable forms of documentation to verify job search logs:

- Fax transmittal receipts for résumés or applications submitted to employers (only if the fax number has been verified as belonging to the listed employer)
- Copies of completed job applications
- Business cards or brochures from the contacted employer
- Signed contact verification forms (as determined by Board policy)
- Printouts of e-mail submissions of résumés or applications (only if the e-mail address has been verified as belonging to the listed employer)

Note: Phone calls are not accepted as allowable sources of documentation for either job search or employment verification.

Boards must ensure that Workforce Solutions Office staff:

- Creates a TWIST Program Detail and COLTS record each time an NCP is ordered or referred into NCP Choices ;

- accurately documents all activities, services, and outcomes (participation, employment, and retention) in TWIST and COLTS within three business days of each activity or service;
- reports compliance or noncompliance in TWIST, COLTS, and directly to OAG and/or the court as necessary and appropriate.

The *NCP Choices TWIST Quick Reference Guide* is available at <http://www.twc.state.tx.us/welref/ncpdeskaid.pdf>.

OAG's *Choices Online Tracking System (COLTS) Training Manual* is available in the Resources section of the COLTS website. TWC program staff can also provide electronic copies to individuals that do not have access to COLTS. All Board and Workforce Solutions Office staff must receive training provided by OAG staff prior to being granted COLTS access. User accounts are created and maintained by OAG Information Technology staff.

D. CASE CLOSURE

As a rule, workforce staff does not have the authority to remove noncompliant NCPs from NCP Choices. Timely removal, either through administrative or court proceedings, ensures that NCP Choices maintains swift and certain consequences for non-paying NCPs and prevents artificially inflated caseloads for workforce staff. Significant numbers of cases pending removal from NCP Choices takes staff time away from providing services to NCPs who are motivated to participate in the program.

Boards must ensure that, in the event of noncompliance, Workforce Solutions Office staff does not close an NCP's case until receiving notification from OAG or the court that the NCP has been removed from the program. Only upon receiving confirmation that the NCP has been removed can the TWIST Program Detail and the COLTS record be closed.

Boards must ensure that Workforce Solutions Office staff submits, by e-mail or mail, a case closure request to the OAG contact by using:

- the Request to Remove form (available on TWC's website at <http://www.twc.state.tx.us/welref/ncpremoval.pdf>); or
- a locally developed form.

Boards must ensure that locally developed forms include the following information:

- Workforce Solutions Office staff person's contact information (name, address, and phone number)
- NCP's name,
- Cause number,
- OAG case number, and
- Reason for requesting the removal.

Reasons for removal from the NCP Choices program:

1. **Meets program requirements**

When an NCP has met program requirements (retained employment for six months) no confirmation from OAG or the court is required to close the case. However, Boards must ensure that Workforce Solutions Office staff:

- accurately enters Employment Outcomes in TWIST,
- enters Counselor notes in TWIST and COLTS indicating that the NCP has successfully completed the NCP Choices program; and
- closes the TWIST Program Detail and the COLTS record.

2. **Noncompliance with NCP Choices program requirements—**

Boards must determine noncompliance with workforce-related program performance and submit requests to OAG for case closure based on the following program guidelines:

- an NCP has not met program participation requirements for 30 days, or

- an NCP is compliant with NCP Choices program requirements, but has not obtained employment after 180 days of participation. (*Note:* This time frame may be shorter than 180 days, but not be less than 90 days.)

3. **Becomes ineligible or unable to participate**

If an NCP becomes ineligible or unable to participate for any of the following reasons, Boards must ensure that Workforce Solutions Office staff immediately submits requests to OAG for case closure:

deceased,
jailed on charges unrelated to child support,
medically unable to work,
not legally allowed to work in the United States,
moved out of the workforce area, or
if staff discover that the NCP does not meet all program eligibility requirements.

In an effort to assist with caseload management and to adhere to the principle of “swift and certain” consequences, Boards must ensure that Workforce Solutions Office staff follows these procedures:

Immediate Request for Removal	Request for Removal after 30 Days	Request for Removal after 90 Days	Request for Removal after 180 Days
<ul style="list-style-type: none"> • Deceased (documented) • Incarcerated (unrelated to child support) • Disability (documented) • Not legally allowed to work in the United States • Relocated out of workforce area • Eligibility misrepresented or misunderstood <p><i>Note:</i> Cases can be closed immediately upon notification that a capias has been issued or a motion to revoke has been filed.</p>	<ul style="list-style-type: none"> • NCP does not appear for first meeting or does not return after first meeting and does not respond to outreach. • NCP is not complying with program requirements (e.g., no active work search or weekly contact until employed, or no monthly post-employment contact). 	<p>NCP is actively participating in the program, but is still unemployed; NCP can be removed after—but not before—90 days.</p>	<p>NCP is actively participating in the program, but is still unemployed after six months</p>

E. NCP Choices Performance Measures

Performance measures are important indicators of progress towards meeting the goals of the NCP Choices program. The following two performance measures are contracted to the Boards:

- Meet or exceed 65% Obtained Employment, and
- Meet or exceed 50% Retained Employment.

NCP Choices program performance is calculated using the Non-Custodial Parent Choices TWIST Web Report (#220), using its own methodology –separate, and very different, from Common Measures.

NCP Choices calculates performance when an NCP exits the program.

Exiters are defined as those individuals who received a service while participating in the NCP Choices program and exited for the one of the following reasons: Case Dismissed, Court Imposed Penalty, or Closed Successful.

Exiters who obtained employment while participating in the NCP Choices program count towards the Obtained Employment performance measure.

NCPs who were employed for six months while in the program are counted towards the Retained Employment performance measure.

NCPs who exit for the following reasons are excluded from performance calculations: Institutionalized, Health/Medical, Relocated, Deceased, Eligibility Misrepresented/misunderstood, and any NCP who exits Failed to Participate (regardless of the Exit Reason).

Any time an NCP is provided with a qualifying service, they become a participant for Common Measures performance. Since most services provided by NCP Choices fall into this category, staff needs to ensure that they enter all service information completely, accurately and timely in accordance with Common Measures requirements.

However, because NCP Choices participants are only included in Boards' overall performance, the impact on Boards' respective performance measures is insignificant (less than 1/100th%).

Further detail on which NCP Choices services are qualifying services can be found on page 8 of the NCP Choices TWIST Quick Reference Guide.

Additional Common Measures information is available on the TWC Intranet at <https://intra.twc.state.tx.us/intranet/plan/html/plan-resources.html>, and in WD 27-07 Attachment 1: [Integrated Data Collection and Performance Management](#) (formerly the Common Measures Desk Aid).

NCP Choices Program

Chapter 3 – List of Revisions

Note: The guide contains minor, nonsubstantive editorial changes that are not included on the List of Revisions.

DATE	SECTION	COMMENTS