

IMPERIAL COUNTY WORKFORCE DEVELOPMENT BOARD

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POLICY	ORIGINAL DATE	LAST REVISION
Authorization to Work: Pathways to		
Services, Referral and Enrollment Policy	FISCAL YEAR 2020-2021	May 26, 2021

POLICY OVERVIEW:

This policy provides guidance and establishes procedures to be used by the Imperial County Workforce Development Board (ICWDB), the Imperial County Workforce and Economic Development Office (ICWED), America's Job Center of California (AJCC) staff and Workforce Innovation and Opportunity Act (WIOA) funded service providers regarding verifying authorization to work and making services accessible to all populations. This policy seeks to support economic growth by preparing the workforce for employers, ensuring that the workforce system is inclusive of all populations, and promoting flexibility in how services are delivered within the Local Area.

REFERENCES:

- Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128), Section 188(a)(5)
- Title 8 Code of Federal Regulations (CFR) Part 274a.6
- Title 20 CFR Sections 677.150, 680.900, and 680.910
- Training and Employment Guidance Letter (TEGL) 02-14, Subject: Eligibility of Deferred Action for Childhood Arrivals (DACA) Participants for Workforce Investment Act and Wagner-Peyser Act (W-P) Programs (July 14, 2014)
- TEGL 10-16 Change 1, Subject: Performance Accountability Guidance for WIOA Title II, Title III, Title III and Title IV Core Programs (August 23, 2017)
- TEGL 19-16, Subject: Guidance on Services Provided through the Adult and Dislocated Worker Program under the WIOA and W-P, as Amended by WIOA, and for Implementation of the WIOA Final Rules (March 1, 2017)
- Senate Bill (SB) 733 (Russell), Chapter 819, Statutes of 1993
- Assembly Bill (AB) 2532 (Chiu), Chapter 759, Statutes of 2016
- The United States Citizenship and Immigration Services (USCIS), Handbook for Employers, Instructions for completing Form I-9
- USCIS Form I-9, Employment Eligibility Verification
- Workforce Services Information Notice WSIN17-09, Subject: CalJOBS Activity Codes (October 29, 2017)
- WSIN17-31, Subject: Eligibility of DACA Recipients for WIOA Services (April 13, 2018)

BACKGROUND:

In 2016, Governor Brown signed AB 2532, which eliminated the state-imposed eligibility requirement for employment services. The law required government agencies, community action agencies, and private organizations contracting with the government to verify an individual's legal status or authorization to work prior to providing employment services. Additionally, it required these entities to publicly post that only U.S. citizens and those authorized to work in the U.S. could receive services. Therefore, California no longer has a state requirement to verify authorization to work. Additionally, there is no work authorization verification requirement in WIOA.

However, the federal Immigration Reform and Control Act requires employers to verify a job seeker's authorization to work documents prior to employment. At the same time, federal immigration regulations authorize state employment agencies to verify authorization to work (Title 8 CFR Section 274a.6).

Generally, WIOA participants receive job referrals during their period of participation in a program. Additionally, at times Local Areas are the employer of record or coordinating services concurrently with an employer. In these instances, an individual cannot participate unless they are authorized to work to the U.S.

For these reasons, this policy provides guidance on verification of authorization to work documents, including which services require verification, when to ask, and where to refer individuals for additional services. This policy also provides a pathway to services for those individuals who do not possess authorization to work documents. California seeks to prohibit discrimination and make workforce services accessible to all populations.

DEFINITIONS:

- **Self-Service Basic Career services** An individual independently uses services at an AJCC with minimal or no staff assistance (e.g., self-service labor market research, job search, use of AJCC resource room, referral to a partner program, etc.). Self-service also includes staff establishing access to CalJOBS for an individual or looking up a password. Individuals using self-services only do not count toward performance measures.
- **Staff-Assisted Basic Career services** An individual requires an assessment by a staff member of the individual's skills, education, or career objectives (e.g. proficiency testing, resume preparation assistance, job referrals, etc.).
- Individualized Career services An individual receives WIOA-funded services that are appropriate for them to obtain or retain employment (e.g., development of an individual employment plan, English as a second language services, work experience, etc.).
- **Training services** An individual receives services that include WIOA-funded training and/or support and coaching.

POLICY AND PROCEDURES:

AJCC Staff must verify an individual's right to work prior to participation in a WIOA funded program. Participation starts when an individual receives staff-assisted basic career services, individualized career services, or training service. Authorization to work verification is not required for basic career services that are self-service or information-only activities. For customers who receive self-service or information-only activities, only demographic information is collected and reported.

When determining the point of asking an individual for authorization to work documentation, staff should take into account the following:

- Nature of the services to be provided
- Need for services to be provided on an expedited basis
- Length of time during which services will be provided
- Co-enrollment opportunities
- The cost of providing the services/training

In order to prepare participants for employment and foster positive relationships with employers, staff should make participants aware of federal law requiring employers to verify employment authorization prior to employment, and must verify a participant's authorization to work documents prior to providing employer-connected services. Employer-connected services are services that staff must coordinate with an employer including, but not limited to, transitional jobs, job placement assistance, and work experience. For services that do not require interaction with an employer like resume writing, proficiency testing, or group counseling, verification is not required.

The following chart details what services require verification of right to work document for receipt of WIOA program services.

Authorization to Work Service Flow Chart				
Service	Triggers participation	Authorization to Work		
Basic Career - Self-service and information-only activities, including program referrals, outreach, intake, orientation, eligibility determination	No	No		
Basic Career – Staff-Assisted, including initial assessment, job placement, career counseling	Yes	Yes		
Individualized Career	Yes	Yes		
Training	Yes	Yes		

Verification Procedures

AJCC staff must verify an individual's authorization to work in accordance with the requirements of the USCIS Form I-9, Employment Eligibility Verification, prior to participating in WIOA funded services. USCIS Form I-9 asks for verification of documents that establish identity and authorization to work in the United States. USCIS Form I-9 (Attachment I) is provided with this directive for your reference. The form lists all documents that are acceptable to verify right to work. Additional guidance and information on acceptable documents can be found at https://www.uscis.gov/i-9-central/acceptable-documents.

DOCUMENTATION:

When verifying authorization to work, staff must retain either hard copies or scanned copies of the individual's Form I-9 documents. Staff are strongly encouraged to scan authorization to work documents into CalJOBS. Scanning documents into CalJOBS facilities a one-time verification process should an individual visit a different America's Job Center of California (AJCC). (See Attachment II for Instructions on How to Upload Documents to CalJOBS).

Any documents that AJCC staff use to verify an individual's right to work must be kept current throughout an individual's period of participation in a WIOA program. The period of participation refers to the period of time beginning when an individual becomes a participant and ending on the participant's date of exit from the program. Exit generally occurs when a participant has not received services for 90 days and has no additional services scheduled.

AJCC staff should make note of any right to work documents that are soon to expire so staff can followup with the participants to obtain updated documents. If right to work documents expire during program participation, an AJCC may face disallowed costs for any services provided after expiration of right to work documents as eligibility is no longer current. An AJCC may not use any expired document to verify right to work.

AJCC partners with verification requirements are encouraged to coordinate verification to increase efficiency of the process and prevent participants from having to repeatedly present Form I-9 documents. Once authorization to work is verified by one program, staff in a separate program do not need to re-verify. Staff should <u>not</u> request for authorization to work documentation when it is not needed. For example, WIOA Title I should not require authorization to work verification for Unemployment Insurance claims assistance when Title III does not require authorization to work verification for this activity.

SERVICES TO INDIVIDUALS WITHOUT AUTHORIZATION TO WORK

The County of Imperial seeks to make workforce services more accessible to all populations, including but not limited to, individuals with limited English proficiency, homeless individuals, ex-offenders, transient youth and those engaged in citizenship attainment. Individuals without the authorization to work must not be refused service and AJCC staff must explore other services.

Basic Career Services

AJCC staff can provide assistance to individuals that do not have right to work documentation through the AJCC's basic career services. These services are available to all individuals that enter an AJCC. Basic career services that are self-service or information-only activities do not require right to work verification nor WIOA program enrollment.

Supportive Services

Possessing authorization to work documents is not only critical for individuals to participate in workforce and training programs, but to fully integrate into society and the local economy. Often vulnerable populations who are legally authorized to work in the United States such as the homeless, exoffenders, and transient youth lack physical copies of authorization to work documents due to their circumstances. In these situations, AJCC staff can enroll these individuals into WIOA services by means of self-attestation. By self-attesting to authorization to work, AJCC staff can enroll such individuals and use supportive services to help the individual obtain authorization to work documents. Additionally, supportive services such as legal aid are available to participants enrolled in Basic Career, Individualized Career, or Training services. For participants enrolled in Training services, supportive services may include needs related payments to help cover the cost of obtaining or renewing authorization to work documents.

Workforce Development Partner Referrals

If an individual states that they are not authorized to work in the United States, staff must refer the customer to other programs. The County of Imperial continues to establish partnerships with organizations within the local community that provide workforce services and do not require an authorization to work verifications.

These programs work to address barriers to employment for hard to serve priority populations while preparing individuals for the workforce. Services may include, but not limited to, housing assistance, computer literacy, English as a second language classes, citizenship preparation, and employment coaching. These services can help directly place individuals in employment or to co-enroll individuals into other local programs. AJCC staff should refer individuals without authorization to work to these programs where appropriate.

Referrals to Education Services

There is no requirement for a WIOA Title II provider to verify authorization to work or retain documentation. AJCC's are encouraged to refer individuals who are not authorized to work in the United States to WIOA Title II and other programs that do not require authorization to work documentation.

Under WIOA Title II, participation starts when adults who are basic skills deficient, lack a high school diploma or its equivalent, function below the level of a high school graduate, or are unable to speak, read, or write the English language, enroll in and attend WIOA Title II adult education, English language instruction, and/or integrated education from eligible providers (school districts, community colleges, libraries, community based organizations, or other public or private non-profit entities).

AJCCs are encouraged to work with Title II partners and other partners without authorization to work requirements to co-enroll individuals, with the goal of helping the participant obtain citizenship, authorization to work, and meaningful employment.

For additional resources to align programs see Funding Career Pathways and Career Pathway Bridges: A Federal Policy Toolkit for States (https://www.clasp.org/publications/report/brief/funding-career-pathways-andcareer-pathway-bridges-federal-policy-toolkit). For a list of services the California Department of Social Services (CDSS) provides to immigrants, see the CDSS website (http://www.cdss.ca.gov/lmmigration-Services) Immigration Services.

PUBLIC NOTICE

Because individuals may receive employment services and services from other partners in an AJCC without first providing their authorization to work documents, Local Areas should remove public notices that state employment services are available only to individuals who are U.S. citizens or legally authorized to work in the United States. Posting such signs may discourage individuals who are legally entitled to services from entering an AJCC.

MONITORING:

ICWED is responsible for ensuring oversight of the WIOA Title I funded programs. Monitoring shall take place by means of on-site visits to America's Job Center of California and contracted Service Providers. Site visits shall be performed at a minimum once a year to ensure that adherence to WIOA laws, regulations and policies are adhered.

ACTION:

Please bring this policy to the attention of ICWDB, AJCC system staff and appropriate WIOA funded service providers and sub-recipients. This policy is effective immediately. All submitted forms are live documents and subject to change according to local, State, and Federal needs. Once the forms and exhibits pertaining to this policy are approved by the ICWDB, they will not require board approval if other changes occur, unless the change affects protocols. Should you have any questions, please feel free to contact ICWDB staff at (442) 265-4974, (442) 265-4959, (442) 265- 4955 or the Program and Compliance Manager (442) 265-4963.

ATTACHMENTS:

Attachment I - USCIS Form I-9, Employment Eligibility Verification Attachment II – How to Upload Documents into CalJOBS



Employment Eligibility Verification

Department of Homeland Security

U.S. Citizenship and Immigration Services

USCIS Form I-9

OMB No. 1615-0047 Expires 10/31/2022

▶ START HERE: Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information than the first day of employment, but not			ıst complete an	d sign Se	ection 1 of	Form I-9 no later
Last Name (Family Name)	First Name (Given Na.	me (Given Name)		Other L	r Last Names Used <i>(if any)</i>	
Address (Street Number and Name)	Apt. Number	Apt. Number City or Town			State	ZIP Code
Date of Birth (mm/dd/yyyy) U.S. Social Sec	urity Number Emp	Employee's E-mail Address			Employee's Telephone Number	
I am aware that federal law provides for connection with the completion of this		or fines for fals	e statements o	or use of	false do	cuments in
I attest, under penalty of perjury, that I a	am (check one of th	e following box	es):			
1. A citizen of the United States						
2. A noncitizen national of the United States	(See instructions)					
3. A lawful permanent resident (Alien Reg	gistration Number/USCI	IS Number):				
4. An alien authorized to work until (expiration Some aliens may write "N/A" in the expiration		33337		_		
Aliens authorized to work must provide only or An Alien Registration Number/USCIS Number						Code - Section 1 t Write In This Space
Alien Registration Number/USCIS Number: OR						
2. Form I-94 Admission Number: OR						
3. Foreign Passport Number:						
Country of Issuance:			_			
Signature of Employee			Today's Dat	e (<i>mm/dd/</i>	′уууу)	
Preparer and/or Translator Certif	A preparer(s) and/or tr	ranslator(s) assisted		•	~	
(Fields below must be completed and signature and signature) I attest, under penalty of perjury, that I have been signatured as a signature and signature are signatured.	<u> </u>					<u> </u>
knowledge the information is true and c		completion of		15 101111 6	ina that t	o the best of my
Signature of Preparer or Translator				Today's D	ate (mm/d	d/yyyy)
Last Name (Family Name)		First Nam	ne (Given Name)			
Address (Street Number and Name)		City or Town			State	ZIP Code

STOP

Employer Completes Next Page

STOP

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Employment Eligibility Verification Department of Homeland Security

U.S. Citizenship and Immigration Services

USCIS Form I-9

OMB No. 1615-0047 Expires 10/31/2022

Section 2. Employer or Authorized Representative Review and Verification (Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.") Last Name (Family Name) M.I. First Name (Given Name) Citizenship/Immigration Status **Employee Info from Section 1** OR I ist A List B **AND** List C Identity **Identity and Employment Authorization Employment Authorization** Document Title Document Title Document Title Issuing Authority Issuing Authority Issuing Authority Document Number **Document Number** Document Number Expiration Date (if any) (mm/dd/yyyy) Expiration Date (if any) (mm/dd/yyyy) Expiration Date (if any) (mm/dd/yyyy) **Document Title** QR Code - Sections 2 & 3 Additional Information Issuing Authority Do Not Write In This Space Document Number Expiration Date (if any) (mm/dd/yyyy) **Document Title** Issuing Authority Document Number Expiration Date (if any) (mm/dd/yyyy) Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States. The employee's first day of employment (mm/dd/yyyy): (See instructions for exemptions) Signature of Employer or Authorized Representative Today's Date (mm/dd/yyyy) Title of Employer or Authorized Representative Last Name of Employer or Authorized Representative First Name of Employer or Authorized Representative Employer's Business or Organization Name State Employer's Business or Organization Address (Street Number and Name) City or Town ZIP Code Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.) B. Date of Rehire (if applicable) A. New Name (if applicable) Last Name (Family Name) Middle Initial Date (mm/dd/yyyy) First Name (Given Name) C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below. **Document Title Document Number** Expiration Date (if any) (mm/dd/yyyy) I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if

Name of Employer or Authorized Representative

the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Today's Date (mm/dd/yyyy)

Signature of Employer or Authorized Representative

LISTS OF ACCEPTABLE DOCUMENTS All documents must be UNEXPIRED

Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.

	LIST A Documents that Establish Both Identity and Employment Authorization	OR		LIST B Documents that Establish Identity AN	ID	LIST C Documents that Establish Employment Authorization
2.	U.S. Passport or U.S. Passport Card Permanent Resident Card or Alien Registration Receipt Card (Form I-551) Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-			Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1.	A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION
4.	readable immigrant visa Employment Authorization Document that contains a photograph (Form I-766)			ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	2.	(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)
5.	For a nonimmigrant alien authorized to work for a specific employer because of his or her status: a. Foreign passport; and b. Form I-94 or Form I-94A that has		4. 5.	School ID card with a photograph Voter's registration card U.S. Military card or draft record Military dependent's ID card	3.	Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
	the following: (1) The same name as the passport; and			U.S. Coast Guard Merchant Mariner Card Native American tribal document	5.	Native American tribal document U.S. Citizen ID Card (Form I-197) Identification Card for Use of
	(2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.		Fo	Driver's license issued by a Canadian government authority or persons under age 18 who are unable to present a document		Resident Citizen in the United States (Form I-179) Employment authorization document issued by the Department of Homeland Security
6.	Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI		11.	School record or report card Clinic, doctor, or hospital record Day-care or nursery school record		,

Examples of many of these documents appear in the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.

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How to Upload Documents into CalJOBS

1. Once logging into CalJOBS and successfully managing an individual, click on **Documents (Staff)** under Staff Profiles.



2. To add a document, click on Add a Document.

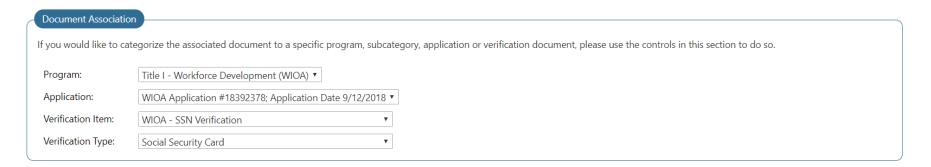
Uploaded and scanned documents with spaces in the document name may be incompatible with some browsers. These spaces will be replaced with _ when saving the document in our system.

Add a Document

Scan a Document

Link a Document

3. Select the applicable Program, Application, Verification Item and Verification Type from the dropdown menus.



The following Verification Items may be used from the dropdown for Right-to-Work Documentation:

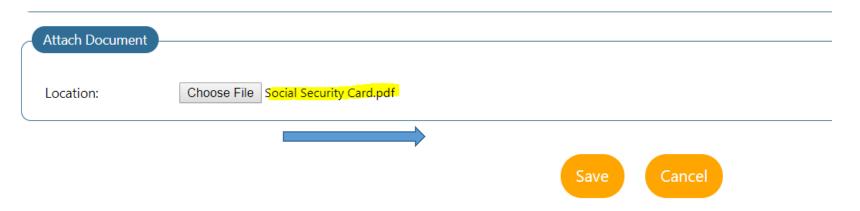
- WIOA Citizen Verification
- WIOA Date of Birth Verification
- WIOA SSN Verification
- **4.** Once selecting the appropriate Verification Item and Verification Type, locate the **Document Tags** box. Enter the <u>same</u> wording from the Verification Type.

Note: If you selected Other Applicable Documentation (specify), please specify the document.

Remember! The documents MUST be other one from List A, or a combination of one selection from List B and one selection from List C on the I-9 form.



- 5. User Accessible should be marked off as No.
- 6. Click on **Choose File** to locate the file from your computer. Once selected, you should see your file name next to Choose File. When done, click **Save**.



7. After saving, you will be taken back to the Documents (Staff) screen. You will see the files that uploaded, as well as the Document Tags you used. You have the option to View, Delete, Edit and Download the document(s).

Results View: **Summary** | <u>Detailed</u>

IJ	ιci	k a	col	lumn	tıtl	e t	O S	ort	

Click a column title to sort.				View Thumbnails
<u>Document Name</u>	<u>Document Tags</u>	<u>Category</u>	<u>Modify Date</u>	Action
Social_Security_Card.pdf	Social Security Card	General	10/03/2018 07:54	<u>View</u> <u>Delete</u>
				Edit Download
				Meta Data

Note: The following file formats are supported

Documents	
.pdf	application/pdf
.doc	application/msword
.dot	application/msword
.htm	text/html
.html	text/html
.htmls	text/html
.word	application/msword
.wp	application/wordperfect
.wp5	application/wordperfect
.wp5	application/wordperfect6.0
.wp6	application/wordperfect
.wpd	application/wordperfect
.xml	application/xml
.xml	text/xml
.docx	application/vnd.openxmlformats-officedocument.wordprocessingml.document
Graphics	
.gif	image/gif
.tiff	image/tiff
.bm	image/bmp
.bmp	image/bmp
.bmp	image/x-windows-bmp
.tif	image/tiff
.tif	image/x-tiff
.jpeg	image/jpeg
.jpg	image/jpeg
.svf	image/vnd.dwg
.svf	image/x-dwg
.pic	image/pict
.pict	image/pict
.png	image/png
Multimedia	
.swf	application/x-shockwave-flash
.mp3	audio/mpeg
.wma	audio/wma
.wav	audio/x-wav
Spreadsheets	
.xlt	application/vnd.ms-excel
.xls	application/vnd.ms-excel
.xlsx	application/vnd.ms-excel
.csv	application/vnd.ms-excel
Text	
.txt	text/plain
.text	application/plain
.text	text/plain
.rt	text/richtext
.rt	text/vnd.rn-realtext
.rtf	application/rtf
.rtf	application/x-rtf
.rtf	text/richtext
.shtml	text/html