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December 10, 2018

To: WIOA Subrecipients of the Orange County
Development Area

From: Carma Lacy
Director of Workforce Development



Subject: Pathway to Services, Referral, and Enrollment
Information Notice No. 18-OCDB-05

PURPOSE:

This policy provides the guidance and establishes the procedures regarding verifying authorization to work and making services accessible to all populations.

In keeping with the California Unified Strategic Workforce Plan and Orange County's Local and Regional Plans, this policy seeks to support economic growth by preparing a workforce for employers, ensuring that the workforce system is inclusive of all populations, and promoting flexibility in how services are delivered across the state. By providing clear guidance, this policy seeks to assist Subrecipients in collecting evidence of authorization to work and in providing important and valued services to all individuals, including but not limited to, individuals with limited English proficiency, homeless individuals, ex-offenders, transient youth, and those engaged in citizenship attainment.

EFFECTIVE DATE:

This notice is effective on the date of issuance.

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 I, Title II, 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



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- 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: CalJOBSSM Activity Codes (October 29, 2017)
- WSIN17-31, Subject: Eligibility of DACA Recipients for WIOA Services (April 13, 2018)
- Workforce Services Directive 18-03, Subject: Pathway to Services, Referral, and Enrollment (August 29, 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.

POLICY AND PROCEDURES:

Verification Procedures for WIOA Services

WIOA Title I staff may verify an individual's authorization to work in accordance with the requirements of the USCIS Form I-9, Employment Eligibility Verification, during the period of participation. Subrecipients have the flexibility to determine when authorization to work documentation is required during this period. However, staff must verify when

services necessitate coordination with an employer such as on-the-job training and job referrals.

“Period of Participation” Guidance

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 a specified period of time and has no additional services scheduled. An individual’s authorization to work documents shall not be verified earlier than the start of participation. When determining the point of asking an individual for authorization to work documentation, Subrecipients may 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 with WIOA Title II
- 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 a job referral.

Participation begins when an individual receives a staff-assisted basic career service, individualized career service, 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 verifying authorization to work, staff must retain either hard copies or scanned copies of the individual’s Form I-9 documents.

Staff are required to scan authorization to work documents into CalJOBS. Scanning documents into CalJOBS facilitates a one-time verification process should an individual visit a different America’s Job Center of CaliforniaSM (AJCC). Please see Attachment I for instructions regarding uploading documents into CalJOBS.

The Title I service category definitions are briefly described below. For a comprehensive list of definitions and CalJOBS activity codes, see CalJOBS Activity Codes, WSIN17-09, and any subsequent updates.

- **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.

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 these services, AJCC staff must verify authorization to work documents in accordance with the requirements of the USCIS Form I-9. For services that do not require interaction with an employer like resume writing, proficiency testing, or group counseling, the Subrecipient may choose to not require verification in their local authorization to work policy.

Subrecipients may use self-attestation for authorization to work. The intent of this policy is to ensure services are accessible to all Californians, particularly those with barriers to employment. One example of where self-attestation can improve service delivery is when serving the homeless, ex-offender, and transient youth populations. In these cases, individuals may self-attest to their work authorization during the initial assessment (staff-assisted services). Staff can then enroll the individual into WIOA Title I programs and use supportive services to assist with obtaining work authorization documents. Once individuals have their work authorization documents, they may participate in employer-connected services and ultimately find meaningful employment.

If an individual states that they are not authorized to work in the United States, at a minimum, staff must make self-service and information-only activities available, and may refer the customer to other programs such as WIOA Title II or California Department of Social Services (CDSS) immigrant services. In situations where an individual is in the process of adjusting their legal status, Subrecipients may co-enroll an individual without work authorization in the WIOA Title I and II programs.

The following chart is intended to aid Subrecipients when to ask for authorization to work documents. The flow chart takes into account which services trigger participation as well as which services impact the Subrecipient’s relationship with employers. Where a service triggers participation and necessitates the Subrecipient to coordinate services with an employer, the Subrecipient must verify the individual’s work authorization documents. Subrecipients are not required to verify work authorization documents for services that do not require coordination with an employer.

| 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 | Cannot verify |
| Basic career – staff-assisted, including initial assessment, job placement, career counseling | Yes | <u>May</u> verify for activities such as initial assessment and career counseling |
| | | Must verify for job placement assistance |
| Individualized career | Yes | <u>May</u> verify for activities such as occupational career counseling, aptitude testing, mentoring, and group counseling |
| | | Must verify for employment activities such as work experiences, transitional jobs, internships, and pre-apprenticeship training |
| Training | Yes | <u>May</u> verify for classroom training |
| | | Must verify for employment activities |

Single Verification Process

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. 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.

Upon enrollment, WIOA Title I staff are required to scan authorization to work documents into CalJOBS. Please see Attachment I for instructions regarding uploading documents into CalJOBS.

Referrals to Partner Programs

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). There is no requirement for a

WIOA Title II provider to verify authorization to work or retain documentation. Subrecipients 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.

Subrecipients 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. In the case of coenrollment between any of the WIOA core partners, both partners may count all performance outcomes achieved. 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-and-career-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/Immigration-Services>) Immigration Services.

Supportive Services

Possessing authorization to work documents is critical for individuals to participate in workforce and training programs and 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, ex-offenders, and transient youth lack physical copies of authorization to work documents due to their circumstances. Subrecipients may enroll such individuals and use supportive services to help the individual obtain authorization to work documents. 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 help cover the cost of obtaining or renewing authorization to work documents. Please refer to OCDB Supportive Services Policy (17-OCDB-04) and any subsequent updates.

CalJOBS Case Notes

Subrecipients shall ensure that a case note entry is created in CalJOBS if and when right-to-work documents are verified and/or uploaded. Specific case note templates have been created in CalJOBS for this purpose.

Public Notification

Because individuals may receive employment services and services from other partners in an AJCC without first providing their authorization to work documents, Subrecipients 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.

ACTION:

Bring this policy to the attention of all affected staff and all relevant parties.

INQUIRIES:

If you have any questions regarding this policy, please contact your Contract Administrator at (714) 480-6500.

ATTACHMENTS:

Attachment I – How to Upload Documents into CalJOBS

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.



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

Document Association

If you would like to categorize the associated document to a specific program, subcategory, application or verification document, please use the controls in this section to do so.

| | |
|--------------------|--|
| Program: | Title I - Workforce Development (WIOA) ▾ |
| Application: | WIOA Application #18392378; Application Date 9/12/2018 ▾ |
| Verification Item: | WIOA - SSN Verification ▾ |
| Verification Type: | Social Security Card ▾ |

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 same 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.

Verification Item: WIOA - SSN Verification ▼

Verification Type: Social Security Card ▼

Document Information

* Document Tags:

Keywords that will be indexed with this attachment.

Social Security Card

User Accessible: Yes No

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**.

Attach Document

Location: Choose File Social Security Card.pdf



Save

Cancel

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** | [Detailed](#)

Click a column title to sort.

View Thumbnails

| Document Name | Document Tags | Category | Modify Date | Action |
|--------------------------|----------------------|----------|------------------|---|
| Social_Security_Card.pdf | Social Security Card | General | 10/03/2018 07:54 | View Delete 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-realtex |
| .rtf | application/rtf |
| .rtf | application/x-rtf |
| .rtf | text/richtext |
| .shtml | text/html |