

DIRECTIVE

WORKFORCE SERVICES

Number: WSD13-1

Date: July 2, 2013

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TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: AUTHORIZATION TO WORK VERIFICATION REQUIREMENTS

EXECUTIVE SUMMARY:

Purpose:

This directive provides guidance in implementing the State requirement to verify an individual's authorization to work prior to providing Wagner-Peyser Act (WPA) and/or Workforce Investment Act (WIA) employment services.

Scope:

This directive applies to the Workforce Development Community, including Local Workforce Investment Areas (local area), Local Workforce Investment Boards, Community Based Organizations, and Employment Development Department (EDD) staff.

Effective Date:

This directive is effective on date of issue.

REFERENCES:

- Title 8 Code of Federal Regulations (CFR), Section 274a.2, Verification of Identity and Employment Authorization
- California Unemployment Insurance Code, Section 9601.5
- Training and Employment Guidance Letter 17-05, Subject: Common Measures Policy for the Employment and Training Administration's Performance Accountability System and Related Performance Issues (February 17, 2006)
- The U.S. Citizenship and Immigration Services (USCIS), Handbook for Employers, Instructions for Completing Form I-9, www.uscis.gov/files/form/m-274.pdf.
- The USCIS [Form I-9](#), Employment Eligibility Verification
- Workforce Services Information Notice WSIN12-32, Subject: New CalJOBSSM Service Codes (February, 27, 2013)

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STATE-IMPOSED REQUIREMENTS:

This directive contains only State-imposed requirements.

FILING INSTRUCTIONS:

This directive finalizes Workforce Services Draft Directive WSDD-76, issued for comment on September 28, 2012. The Workforce Services Division received nine comments during the draft comment period. These comments resulted in three substantive changes to the directive which can be viewed as highlighted text. The highlighted text will remain on the Internet for 30 days from the issuance date. A summary of the comments is provided as Attachment 4. Retain this directive until further notice.

BACKGROUND:

Under California law, an individual must have authorization to work in the United States to be eligible to receive WPA and/or WIA employment services. Section 9601.5 of the California Unemployment Insurance Code requires that “each state or local government agency or community action agency, or any private organization contracting with a state or local government agency, that provides employment services, including, but not limited to, job training, retraining, or placement, shall verify an individual's legal status or authorization to work prior to providing services to that individual in accordance with procedures established under federal law.”

The federal procedures for verifying an individual's authorization to work are included in Title 8 CFR, Section 274a.2. This section specifies that the requirements published in the USCIS Form I-9, Employment Eligibility Verification, are to be used in verifying and documenting that an individual is authorized to work in the United States.

POLICY AND PROCEDURES:

Staff providing WPA and/or WIA employment services must verify an individual's authorization to work in accordance with the requirements of the USCIS [Form I-9](#), Employment Eligibility Verification. As specified in the Form I-9, staff must accept as evidence of employment authorization, any of the documents listed on the last page of Form I-9. Individuals may present any List A document **or** a combination of a List B and a List C document. To view frequently asked questions regarding acceptable Form I-9 documents, see Attachment 1, Questions and Answers – Authorization to Work Verification. To view representative images of acceptable Form I-9 documents, see Attachment 2, Samples of Acceptable Documents for Authorization to Work Verification.

The differences between the WPA and WIA programs necessitate separate guidance for each program as provided below. However, whenever possible, EDD and partner agency management are encouraged to coordinate verification between the two programs to increase efficiency of the process and prevent participants from having to repeatedly present Form I-9 documents.

Verification Requirements for WPA Services

Staff must verify an individual's authorization to work prior to providing staff-assisted services. The three WPA service delivery modes are briefly described below. A more comprehensive list of WPA services is provided in Attachment 3, Wagner-Peyser Act Employment Service Levels.

- **Self-service**: An individual uses services in an America's Job Center of California with minimal or no staff assistance (e.g., self-service labor market research, résumé preparation, job search, etc.). Self-service includes staff establishing access to New CalJOBSSM for an individual or looking up a password.
- **Facilitated self-help service**: An individual asks for, or indicates a need for, short term or specific program information that is provided either:
 - Individually by staff
 - In a group setting (e.g., orientation)
 - Directed and guided by staff (e.g., provision of labor market information or information on training providers)
- **Staff-assisted service**: One-on-one assistance (e.g., counseling, bonding assistance, case managed services, etc.) that may be long term or a one time in depth service, and is usually given by a program specialist.

The three WPA service delivery modes correlate with the New CalJOBSSM service code categories as provided in the table below.

WPA Service Delivery Mode	New CalJOBSSM Service Code Category
Self-service	Housekeeping Informational Core A Core A – Self Service
Facilitated self-help	Core A – Staff Assisted
Staff-assisted	Core B Intensive
<i>For definitions of the New CalJOBSSM service code categories, and a list of the New CalJOBSSM service codes, visit Workforce Services Information Notice WSIN12-32, New CalJOBSSM Service Codes.</i>	

Although authorization to work verification is not required for self-service and facilitated self-help service activities, local management may establish office policies and procedures which require authorization to work verification at an earlier point in the customer flow process. When establishing local office policies and procedures, management should ensure those policies do not require individuals to repeatedly present Form I-9 documents.

Verification Requirements for WIA Services

Staff must verify an individual's authorization to work no later than time of application for a WIA funded program. Verification is not required for self-service or informational activities; however, local areas have the discretion to establish policies and procedures requesting authorization to work documents prior to the time of application (e.g., at time of intake, or any point in the customer flow up until the time of application). Local areas must keep either hard copies or scanned copies of the individual's Form I-9 documents for State monitoring purposes.

California Workforce Services Network

The Right to Work Verification screen will display when staff assist an individual in the New CalJOBSSM if the individual's authorization to work has not been verified. This Right to Work Verification screen includes two columns of documents that satisfy the Form I-9 requirements: (1) documents that establish identity, and (2) documents that establish employment authorization. See the screen shot below.

The screenshot shows the 'Right to Work Verification' screen in the CalJOBS system. The page title is 'CalJOBS - Right to Work Details'. The main content area is titled 'Right to Work Verification' and contains the following information:

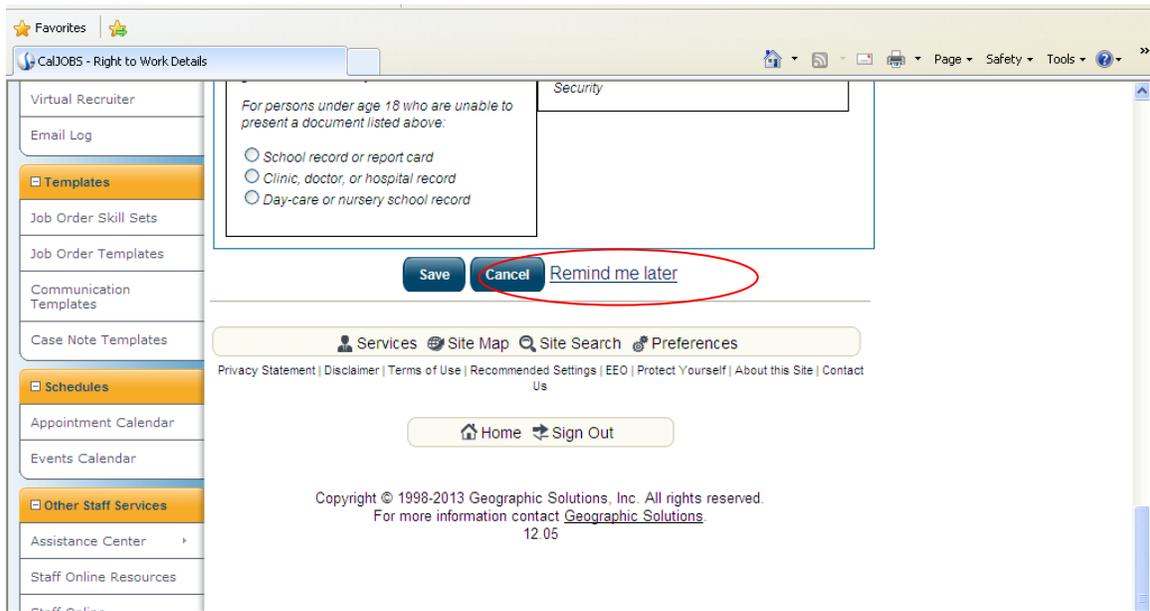
Documentation to Right to Work must be provided to assist this individual. Please complete the following information.

Individual: JOE EXAMPLE
Current Citizenship: Citizen of U.S. or U.S. Territory
Alien Registration Number: [text input]
Alien Registration Expiration Date: [text input] Today

Select one from each column. All documents must be unexpired.

Documents that Establish Identity	Documents that Establish Employment Authorization
<input type="radio"/> U.S. Passport or U.S. Passport Card	<input type="radio"/> U.S. Passport or U.S. Passport Card
<input type="radio"/> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)	<input type="radio"/> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
<input type="radio"/> Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa	<input type="radio"/> Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa
<input type="radio"/> Employment Authorization Document that contains a photograph (Form I-766)	<input type="radio"/> Employment Authorization Document that contains a photograph (Form I-766)
<input type="radio"/> In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same	<input type="radio"/> In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same

The Right to Work Verification screen allows staff to record which authorization to work documents the individual provided. Staff are required to complete this screen for an individual prior to providing WPA staff-assisted services or enrollment in a WIA funded program; however, local offices may establish policies and procedures which require staff to complete this screen earlier in the process (e.g., at time of intake). Therefore, when not required to verify authorization to work, staff may select the "Remind me later" option at the bottom of the screen. See the screen shot below.



ACTION:

Please bring this directive to the attention of all relevant parties.

INQUIRIES:

If you have any questions, please contact your [Regional Advisor](#) at (916) 654-7799.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Workforce Services Division

Attachments are available on the Internet:

1. [Questions and Answers – Authorization to Work Verification](#) (PDF)
2. [Samples of Acceptable Documents for Authorization to Work Verification](#) (PDF)
3. [Wagner-Peyser Act Employment Service Levels](#) (PDF)
4. [Summary of Comments](#) (PDF)