

Fresno Regional Workforce Development Board

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Blake Konczal, Executive Director

OPERATIONAL DIRECTIVE

FRWDB OD # 15-20

Date Released: October 6, 2020

To: All Fresno Regional Workforce Development Board Providers of Services

From: Blake Konczal, Executive Director

Effective Date: October 6, 2020

Subject: Pathways to Services

Applicable Program: All

Revision History: Initial Release

The purpose of this directive is to provide guidance and establishes the procedures regarding verifying authorization to work and making services accessible to all populations.

This Operational Directive (OD) references OD 18-18, Supportive Services Process, OD 03-15, Fresno County Title I Eligibility Technical Assistance Guide, and OD 14-20, Temporary I-9 Verification Process Change.

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 247a.6)

With employment being the required outcome for all WIOA enrolled participants, a participant cannot receive employment services, i.e., Transitional Jobs, Work Experience, or job referrals to employers, unless they are authorized to work in the U.S. in accordance with the requirements of the U.S. Citizenship and Immigration Services Form I-9, Employment Eligibility Verification.

However, it is not the intent to cause unnecessary hardship to an individual who may already be facing barriers, but to aide them in overcoming barriers by providing them with tools to be successful in attaining their employment goals. Therefore, the FRWDB has developed the following criteria to provide non-employer related WIOA staff assisted Career Services to vulnerable populations who are legally authorized to work in the United States, but due to circumstances out of their control, lack the physical documentation to enroll into WIOA services.

For the purpose of this OD, vulnerable populations include:

1. Homeless
2. Low income youth
3. Justice-involved individuals

4. Limited English Proficiency individuals
5. Individuals who lack the financial resources necessary to obtain physical copies of I-9 documents
6. Individuals unable to obtain documents due to government office closures as a result of COVID-19.

Temporary Exemption Process

An individual who meets the vulnerable population criteria listed above may be eligible for a temporary exemption to document right to work status (see Fresno County Title I Eligibility Technical Assistance Guide OD 3-15). The exemption allows individuals to self-attest to their right to work status while allowing enrollment into WIOA staff assisted services for non-employer related services including:

- Case Management,
- Development of the Objective Assessment/Individual Employment Plan,
- Job Ready Workshops,
- Assessments,
- CASAS and WorkKeys remediation services.

Supportive services may be provided to assist participants in obtaining required right to work documentation. Providers must follow the Supportive Services Process OD # 18-18 to provide supportive services under this OD.

The exemption may not exceed 90-days from the first date of participation.

The following services **cannot** be provided without valid documented right to work status:

- Vocational training, or
- Employer related services, such as Transitional Jobs, Work Experience, On-the-Job Training (OJTs), or
- Direct employer job referrals.

Verification Process

If it is determined at the time of eligibility that the individual does not have physical copies of the required right to work documentation, Provider staff may authorize a temporary exemption. Provider staff must fully document their attempts to obtain required right to work document items listed in the I-9 Form prior to authorizing a temporary exemption in the applicant's case notes on CalJOBS.

- The participant must complete and sign an Applicant Statement (Self-Attestation) (Form# GEN-001 or GEN-001e). The Applicant Statement must:
 - Detail the circumstance that prevents the individual from providing work authorization and documentation at the time of eligibility, AND
 - Provide at least one form of identification, including school records or school identification, that has already been verified, such as legal name, date of birth, social security number, alien number and citizenship status, AND
 - The Applicant Statement must be signed by the Participant, the Provider of Services WIOA Eligibility staff and approved by the Provider of Services Management prior to WIOA enrollment.
- Record a case note with detailed information documenting the steps taken to obtain right to work documentation.
- Document in case notes 30/60/90-day follow-up process to obtain work authorization verification for the participant's file.
- If the participant is unable to provide the required right to work documents within the 90 day period, Provider staff must determine if the lack of verification is due to non-compliance on the part of the participant, or if the delay is due to circumstances beyond the participant's control i.e.,

pending supportive service funds or proof of pending appointment with DMV or Social Security Office.

- If it is determined that the delay is not intentional, the Provider of Service may authorize an additional 90-day extension. Extensions are provided on a case-by-case basis and the circumstances surrounding the delay must be documented in the participant's case file.
- Upon receipt of physical copies of right to work documents, the Provider of Service must document receipt in the case file and upload all documents into CalJOBS.
- Participants who are unable to verify right to work status by the end of the temporary exemption period must be exited from the program.

Please contact the FRWDB Program Adult/Youth Manager or Youth Program Coordinator if you have any questions