

Summary of Comments

Draft Directive “Authorization to Work Verification Requirements”

There were nine comments to the draft version of this directive:

Comment #1: As an integrated partner with the Employment Development Department (EDD), we strive to coordinate all services between the Wagner-Peyser Act (WPA) and Workforce Investment Act (WIA) programs. Consequently, the requirement to verify authorization to work for job fairs (a WPA facilitated self-help service) will hamper our ability to serve both job seekers and businesses as follows:

- Most of the job fairs have sponsors other than our agency. These sponsors may not be in favor of a registration process they do not require. As a result, our participation in those events may be negatively affected.
- Moving a large number of people through registration quickly and efficiently would require a large number of computers and staff.
- Staff would need to turn away customers who are not interested in registration, thereby limiting the candidate pool available to businesses.
- Requiring a pre-registration for an event would lead to additional traffic in our resource area resulting from customers without computers registering.
- Requiring both authorization to work documents and registration paperwork would be nearly impossible. Job seekers come prepared with resumes, not authorization to work documents.

Resolution: The EDD revised the “Verification Requirements for WPA Services” section of the directive to not require authorization to work verification prior to customers receiving staff-assisted services.

Comment #2: Will the EDD provide training to staff regarding how to determine if Form I-9 documents are counterfeit?

Resolution: No, staff are not expected to be document experts. Staff must examine the document(s), and if they reasonably appear on their face to be genuine and to relate to the person presenting them, they must accept them. Staff may also use Attachment 2 of the directive to view examples of acceptable Form I-9 documents.

Comment #3: Are staff required to verify an individual's authorization to work at time of WIA Application or WIA Enrollment/Date of Participation? The directive states that this must be done no later than the time of application/registration. However, the EDD Client Forms Handbook contains two different forms: 1) The WIA Application (used for eligibility) and 2) The EDD WIA Enrollment/Registration form (used to document WIA enrollment/date of participation).

Resolution: Staff must verify an individual's authorization to work when completing the WIA Application. This information has been clarified in the "Verification Requirements for WIA Services" section of the directive.

Comment #4: Many One-Stop Career Centers [now referred to as the America's Job Center of CaliforniaSM (AJCC)] do not review authorization to work documents at the reception point. Generally, there is a local intake process after which customers are able to use a number of universal services, including the Resource Room. Staff assisting in the Resource Room include WPA and WIA funded staff. According to the draft directive, WPA staff participation may require that authorization to work documents are reviewed. Given the reduced staffing levels that both WIA and WPA are currently experiencing, this policy will create additional workload and negatively impact customer service.

Resolution: The EDD revised the "Verification Requirements for WPA Services" section of the directive to not require authorization to work verification prior to customers receiving staff-assisted services.

Comment #5: The first five services listed under the Facilitated self-help service column of Attachment 3, Wagner-Peyser Act Employment Service Levels, should be placed under the Self-service column. These services represent minimal staff involvement and have virtually the same services under the Self-Service column.

Resolution: The EDD revised the "Verification Requirements for WPA Services" section of the directive to not require authorization to work verification prior to customers receiving staff-assisted services.

Comment #6: For State monitoring purposes, Local Workforce Investment Areas (local areas) are required to retain copies of Form I-9 documents from individuals receiving WIA services. Are local areas required to retain copies of Form I-9 documents from individuals receiving WPA services?

Resolution: No, local areas are only required to retain copies of Form I-9 documents from individuals receiving WIA services.

In those instances in which copies of Form I-9 documents must be retained from individuals receiving WPA services (e.g., veterans, case managed individuals, etc.), EDD staff will be responsible for retaining the documentation.

Comment #7: In Attachment 1, Questions and Answers, #14, the answer states that "a receipt for a replacement card issued by the Social Security Administration" is acceptable as evidence of employment authorization. Could you please confirm this information.

Resolution: Yes, a receipt issued by the Social Security Administration for the replacement of a lost, stolen, or damaged card is acceptable as evidence of employment authorization. The receipt is valid for 90 days, after which the individual must present the replacement Social Security card. Please see Attachment 1, Questions and Answers, #6, When can individuals present receipts for documents in lieu of actual documents from the Lists of Acceptable Documents?

Comment #8: In Attachment 1, Questions and Answers, #13, the answer states that “staff may accept a Social Security card that has not been signed.” Many Social Security cards indicate that the card is not valid unless it has been signed. Could you please confirm that unsigned Social Security cards are acceptable as evidence of employment authorization?

Resolution: Yes. Unsigned Social Security cards are acceptable as evidence of employment authorization unless the card states on the back “not valid unless it has been signed.” Staff may accept an unsigned Social Security card as long as the card reasonably appears to be genuine and to relate to the person presenting it.

Comment #9: In the America’s Job Center of CaliforniaSM (AJCC) I am familiar with, there is a reception desk in the lobby where clients check-in to use services. When clients check-in for the first time, they are asked to register and provide authorization to work documents; this gives them full access to all services available at the AJCC.

When clients check-in, we get an accurate count of how many clients use our WPA services and how often they visit. If customers receiving only self-service activities are not required to check-in or provide authorization to work documents, we will have no accurate mechanism for tracking WPA customer usage. If we only track facilitated self-help and staff assisted services, it will paint a very abstract picture of the actual numbers of clients frequenting our AJCCs and our WPA numbers will plummet.

Resolution: If a local office establishes a policy requiring verification for staff-assisted services only, staff can still track self-service and facilitated self-help services provided using CalJOBSSM. In CalJOBSSM, the Right to Work Verification screen will display when staff assist an individual if the individual’s authorization to work has not been verified. If the local policy does not require staff to verify authorization to work for a particular service level, staff may select the “Remind me later” option at the bottom of the screen. This option allows staff to track services provided without checking authorization to work documents, and is allowable until staff provide a staff-assisted service. The EDD has added a new section in the directive, California Workforce Services Network, to reflect this information.