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| <b>TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC.</b><br><br><b>WORKFORCE INVESTMENT ACT<br/>TITLE I ACTIVITIES</b> | <b>DATE:</b><br><br><b>October 17, 2001</b>                  |
|   | <b>SUBJECT:</b><br><br><b>Selective Service Registration</b> |

**WIB DIRECTIVE**

**WIBD-01-7**

**TO:** Tulare County Workforce Investment Board, Inc. (TCWIB) Service Providers and Tulare County Workforce Investment Department (TCWID) Staff

**SUBJECT:** SELECTIVE SERVICE REGISTRATION

**EXECUTIVE SUMMARY**

**Purpose:**

The Workforce Investment Act (WIA) in Section 189(h) requires the Secretary of Labor to ensure that any individual participating in the program has not violated Section 3 of the Military Selective Service Act (50 U.S.C. App. 453).

**Scope:**

This directive requires that all TCWIB Service Providers and TCWID staff expending WIA funds shall comply with federal, state, *and local* regulations and policies.

**Effective Date:**

This directive is effective on date of issue.

**REFERENCES:**

- EDD/WIAD01-4 Selective Service
- EDD/WIAD01-2 Title I Eligibility
- WIA Section 189(h)
- Title 20 Code of Federal Regulations (CFR), Final Rule, Sections 667.250
- 50 U.S.C. App. 453 §3
- PL 99-661, §1366
- USDOL TEGL No. 8-98
- ETA Memo JRB#27-98
- WIB Contracts with subrecipients (Service Providers)

**TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC., (TCWIB) – IMPOSED REQUIREMENTS:**

TCWIB-imposed requirements are printed in bold, italic type.

## **WIA Eligibility Technical Assistance Guide**

### **FILING INSTRUCTIONS:**

Retain this directive until further notice.

### **BACKGROUND:**

Only those males who are subject to, and have complied with, the registration requirements of Military Selective Service Act (MSSA), are eligible for participation in WIA-funded programs and services. Section 3 of the MSSA requires that every male citizen, and every other male residing in the United States must register with the Selective Service System between their 18<sup>th</sup> and 26<sup>th</sup> birth dates.

In 1986, the MSSA was amended by PL 99-661, Sec. 1366 to require the registration status to be examined and confirmed as follows:

- (g) A person may not be denied a right, privilege, or benefit under Federal law by reason of failure to present himself for and submit to registration under section 3 [50 U.S.C. App. 453] if - -
  - (1) the requirement for the person to so register has terminated or become inapplicable to the person; and
  - (2) the person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register.

The Conference Report to the amendment clarified “that a nonregistrant is not to be denied any Federal benefit if he can demonstrate that his failure to register was not knowing or willful.” This provision was added “in order not to penalize an individual with an obvious disqualifying handicap, such as total paralysis of the limbs, or an individual who has been honorably discharged from the armed services.”

Occasionally, males who were subject to Selective Service System (SSS) registration, but did not register and are now beyond their 26<sup>th</sup> birth date, will apply for assistance from the WIA program. The Selective Service has been issuing “status information letters” since January of 1995. This practice is pursuant to SSS’s determination that final decisions for disbursing federally financed domestic benefits, services, rights, or training, rests solely with the various provider agencies which disburse them. In the case of WIA these provider agencies are the local workforce investment areas and their subrecipients.

In determining the eligibility of males over the age of 26 who failed to register with the Selective Service System (SSS), staff must consider whether the failure to register was knowing and willful when evaluating the documentation and statements provided by the applicant. Persons with less than honorable discharges from the armed forces and less than total paralysis may be determined eligible by demonstrating that they did not knowingly and willfully fail to register with the SSS.

### **POLICY:**

The local workforce area has the responsibility for deciding the above cases and determining eligibility for services or benefits on a case-by-case basis.

- (a) Males between the Ages of 18 and 26. Individuals who are required to register, but have not registered, and have not yet reached their 26<sup>th</sup> birth date, should be referred to SSS for registration prior to enrollment in WIA.
- (b) Males Over the Age of 26 Who Did Not Register. Any male over 26 years old who possesses a



## **WIA Eligibility Technical Assistance Guide**

“Status Information Letter” from the SSS indicating that he was required to register, but did not, and now cannot be registered because the law does not allow for registration after the age of 26, is presumptively disqualified from participation in WIA-funded services and activities. The burden then falls on the applicant to provide evidence explaining why he failed to register with the SSS.

This could include a written explanation from the applicant, stating his circumstances at the time of the required registration, and his reasons for not registering, together with supporting documentation.

Since the WIA grantee is now authorized to make these determinations for eligibility purposes, the WIA staff should evaluate the evidence presented by the applicant and make a determination regarding whether or not the applicant’s failure to register with the SSS when he was required to register is consistent with the above cited amendment to P.L. 99-661, Sec. 1366. If after reviewing the evidence, the local workforce investment area determines that the preponderance of the evidence shows that a man’s failure to register was not a knowing and willful failure and he is otherwise eligible, services may be granted. If the determination is that the evidence shows the applicant’s failure to register was knowing and willful, WIA services must be denied. Applicants denied services, should be advised of the available grievance procedures under WIA. Decisions by the local program are appealable to the State.

### The Selective Service Status Information Letter

Upon request from the applicant, the SSS will forward a Status Information Letter (SIL) directly to the applicant. The local areas should request a copy of the SIL for review. The letter will contain a code that will be helpful in eligibility determination – and a photocopy of the letter should be kept in the eligibility file.

### Status Information Letter Codes

[Employment and Training Administration Memo JRB#27-98]

- |               |   |
|---------------|---|
| Codes E1 – E7 | “General Exemptions”<br>The applicant’s documentation indicates he was not required to register or was exempt for the entire time period (age 18 through 26).   |
| Code RR       | “Required To Register – Is Not”<br><b><i>The applicant indicates he attempted to register but Selective Service has no record that he registered.</i></b>   |
| Code RL       | “Required To Register – Compliance Letter Sent”<br><b><i>The applicant’s documentation indicates he was required to register but Selective Service has no record that he registered. Also, Selective Service records indicate he was sent one or more compliance letter(s) requesting his compliance during the period he was required to register.</i></b> |
| Code RD       | “Required To Register – He stated he did not”<br>The applicant did not register, nor did he provide valid reasons or documentation why he failed to register.   |

## WIA Eligibility Technical Assistance Guide

### Determining “Knowing and Willful” Failure to Register

When the status information letter code is as follows, a possible local interpretation may be:

E1 – E7                      He has been determined exempt from registration and is not required to provide additional documentation or clarification with regard to his Selective Service registration status.

If he is otherwise eligible, he may be considered an acceptable candidate for WIA-funded services.

RR                              He will be required to provide proof that his failure to comply with the MSSA was not “knowing and willful” failure to register for Selective Service.

In this instance, SSS has investigated and determined that the applicant claims to have attempted to register. The SSS has no proof that this applicant “knowingly and willfully” failed to register. Documentation will need to demonstrate the reason for his noncompliance with the MSSA.

RL                              He will be required to provide proof that his failure to comply with the MSSA was not *knowing and willful* failure to register for Selective Service.

***In this instance, SSS has investigated and determined that the applicant was required to register, did not comply with this requirement, and was sent one or more compliance letter(s) requesting his registration. Further investigation is warranted.***

***Documentation will need to demonstrate the reason for his noncompliance with the MSSA. This applicant’s clarification must address the fact that Selective Service records indicate compliance letters were sent. Without a reasonable explanation, this applicant will not likely be determined eligible for services.***

RD                              He will be required to provide proof that his failure to comply with the MSSA was not *knowing and willful* failure to register for Selective Service.

In this instance, SSS has investigated and determined that the applicant was required to register and did not comply with this requirement. However, there is no indication that his failure to register was *knowing and willful*. Further investigation is warranted. Documentation will need to demonstrate the reason for his noncompliance with the MSSA. This applicant may or may not be deemed eligible for services.



**EXAMPLES OF DOCUMENTATION / EVIDENCE WHICH COULD BE PROVIDED BY THE APPLICANT:**

A nonregistrant should be encouraged to offer as much evidence and in as much detail as possible to support his case. Following are examples of documentation/evidence that may be of assistance to the local area in making a determination in these cases:

- (a) Service in Armed Forces. A man provides evidence that he served honorably in the U.S. Armed Forces by submitting a copy of his DD Form 214 attesting to his service, or a copy of his Honorable Discharge Certificate. Such documents may be considered prima facie evidence that his failure to register with the SSS was not willful or knowing.
- (b) Aliens Entering U.S. On or After Age 26. Alien males who entered the U.S. on or after attaining their 26<sup>th</sup> birthday are exempt from the Selective Service registration requirements. Immigration and Naturalization Service (INS) Form I-94 (Arrival/Departure Record) and INS Form I-551 (Alien Registration Receipt Card commonly called the “green card”) held by aliens will show the birth date of the alien. Also, INS has granted legal status and employment authorization to some lawful Seasonal Agricultural Workers (SAWs) and some formerly illegal aliens under the 1986 immigration Reform and Control Act (IRCA).
- (c) Immigrant Aliens. Immigrant aliens, and refugees, parolees, asylees, SAWs, and IRCA-legalized aliens with work permits can be enrolled into WIA programs only after an SSS registration or exemption is established as outlined above. INS Form I-688 (Temporary Resident Card) will be helpful in establishing the alien’s status.
- (d) Former Illegal Aliens. Male aliens 26 years of age or older who entered the U.S. illegally and who were subsequently granted legal status by the INS (IRCA-legalized aliens) or who were born after December 31, 1959, but who are not registered with the SSS can be enrolled into WIA only after a “status information” letter has been obtained from SSS. If SSS issues a status information letter that it has no evidence that such individuals knowingly and willfully failed to register, the individuals should provide the local workforce investment area reasons why SSS has no evidence of their registration, and in so doing, provide evidence to convince the local workforce investment area that they did not knowingly or willfully fail to register. The individuals can then be enrolled into WIA programs, if they are otherwise eligible.

If SSS is silent on this question, then the local workforce investment area must make the determination, as described above. (It is important to remember that participation of an alien without legal status from INS in WIA-funded activities and programs is prohibited, even if there is a determination that there is evidence to show the applicant did not knowingly and willfully fail to register with the SSS.

- (e) Non-Immigrant Aliens. Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families; foreign students; and tourists with unexpired Forms I-94, I-95 A or Border Crossing Documents I-185, I-186, I-586, or I-444) are not required to register with the Selective Service, but must be authorized to work in the United States under Sec. 188 (a)(5) to be eligible for WIA.

## **WIA Eligibility Technical Assistance Guide**

- (f) Third Party Affidavits. Third Party Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to the local workforce investment area in making determinations in cases regarding willful and knowing failure to register with the SSS.

*The TCWIB Administrator or designee shall make the final determination of whether an applicant's failure to register with SSS was "knowing and willful".*

### **GRIEVANCE/APPEAL PROCEDURES:**

The WIA and its regulations provide a system for handling grievances, complaints, hearings and appeal rights under WIA. The specific procedures to be followed are developed at the local and State levels in accordance with the provisions of the WIA at Sec. 188 and the regulations at 20 CFR Part 667.275 and 29 CFR Part 37. The local workforce investment area is responsible for making sure that there is a process in place to handle WIA complaints/appeals. If a person does not receive a decision at the local level within 90 days of filing a complaint or grievance or is dissatisfied with the decision they receive, they have the right to request a review of their complaint by the Director of the Civil Rights Center.

### **ACTION:**

Bring this directive to the attention of all affected TCWID staff and all TCWIB service providers.

### **INQUIRIES:**

Please direct inquiries about this bulletin to the Workforce Investment Department Administrative office, at (559) 713-5200.

Joseph H. Daniel  
Administrator

JHD:DM:wb:mb

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| TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC.<br><br>WORKFORCE INVESTMENT ACT TITLE I-B ACTIVITIES | DATE:<br><br>May 10, 2002                                     |
|   | SUBJECT:<br>2002 70 Percent LLSIL and 2002 Poverty Guidelines |

## TCWIB DIRECTIVE

TCWIBD-01-14

**TO:** TCWIB Service Providers and TCWID Staff

**SUBJECT:** 2002 70 Percent LLSIL (Lower Living Standard Income Level) and 2002 Poverty Guidelines

**EXECUTIVE SUMMARY**

Under Title I of the Workforce Investment Act of 1998 (Public Law 105-220), the Secretary of Labor annually determines the Lower Living Standard Income Level (LLSIL) for uses described in the Law. WIA defines the term "Low Income Individual" as one who qualifies under various criteria, including an individual who received income for a six-month period that does not exceed the higher of the poverty line or 70 percent of the lower living level. This issuance provides the Secretary's annual LLSIL for 2002 and references the current 2002 Health and Human Services "Poverty Guidelines".

**Scope:**

The LLSIL and Poverty Guidelines are used to establish low-income status for Workforce Investment Act (WIA) Title I programs. This directive requires that all subrecipients expending WIA funds shall comply with federal and state procurement regulations and policies.

**Effective Date:**

This directive is effective May 10, 2002.

**References:**

- WIA Sections 101(24), 127(b)(2)(C), 132(b)(1)(B)(iv)(IV), and 134(d)(3)(A)(ii)
- Federal Register, Volume 67, Number 67, WIA; LLSIL (April 18, 2002)
- Federal Register, Volume 67, Number 31, Annual Update of the HHS Poverty Guidelines (February 14, 2002)

## TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC. (TCWIB) – IMPOSED REQUIREMENTS:

The contents of this directive contain no TCWIB-imposed requirements.

**FILING INSTRUCTIONS:**

Retain this directive until further notice.

**BACKGROUND:**

The WIA Section 101(24) provides for the use of one of two sets of data to establish whether an individual is a low-income individual. The measure used is the highest of either 70 percent of the LLSIL, determined by the Secretary of Labor, or the Poverty Guidelines, published by HHS. The WIA requires annual revisions to both sets of data.

All Local Workforce Investment Areas (Local Area) use the same Poverty Guidelines. However, the LLSIL identifies maximum qualifying income levels for residents in either of two broad geographic designations: metropolitan and nonmetropolitan areas. Metropolitan levels apply to residents living within Metropolitan

Statistical Areas (MSA) as defined by the Office of management and Budget. Nonmetropolitan levels apply to places with populations under 50,000. In addition to the broad metropolitan and non metropolitan areas, the Department of Labor identifies there MSAs in California that have unique LLSILs: the San Diego MSA, the Los Angeles/Riverside/Orange County MSA and the San Francisco/Oakland/San Jose MSA.

**POLICY AND PROCEDURES:**

1. Use the higher of either the LLSIL or the Poverty Guidelines, for the appropriate family size, to determine low-income status. A comparison of the applicant’s actual family income during the six-month income determination period with the six-month figures on the chart enables the reviewer to immediately determine income status. (See the Table Below)

| LWIAs                     | Fresno<br>Golden Sierra<br>Kern/Inyo/Mono<br>Merced | Monterey<br>NoRTEC<br>North Central | Sacramento<br>San Joaquin<br>Santa Barbara | Stanislaus<br>Tulare<br>Yolo |          |          |                           |
|---------------------------|---|-------------------------------------|--|------------------------------|----------|----------|---------------------------|
| <b>Family Size</b>        |   |                                     |  |                              |          |          |                           |
|                           | <b>1</b>  | <b>2</b>                            | <b>3</b>                                   | <b>4</b>                     | <b>5</b> | <b>6</b> | <b>Each<br/>Add'l add</b> |
| <b>70% LLSIL</b>          |   |                                     |  |                              |          |          |                           |
| Annual                    | \$7,820   | \$12,810                            | \$17,580                                   | \$21,700                     | \$25,610 | \$29,950 | \$4,340                   |
| 6 Months                  | \$3,910   | \$6,405                             | \$8,790                                    | \$10,850                     | \$12,805 | \$14,975 | \$2,170                   |
| 100%                      | \$11,160  | \$18,290                            | \$25,110                                   | \$30,990                     | \$36,570 | \$42,770 | \$6,200                   |
| <b>Poverty Guidelines</b> |   |                                     |  |                              |          |          |                           |
| Annual                    | \$8,860   | \$11,940                            | \$15,020                                   | \$18,100                     | \$21,180 | \$24,260 | \$3,080                   |
| 6 Months                  | \$4,430   | \$5,970                             | \$7,510                                    | \$9,050                      | \$10,590 | \$12,130 | \$1,540                   |

**ACTION:**

Bring this directive to the attention of all affected staff and service providers.

**INQUIRIES:**

Please direct inquiries about this directive to the Tulare County Workforce Investment Department (TCWID), at (559) 713-5200, or 1-800- 367-8742.

JOSEPH H. DANIEL  
Administrator

JHD:DM:mb

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| <b>TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC.</b><br><br><b>WORKFORCE INVESTMENT ACT</b><br><b>TITLE IB ACTIVITIES</b> | <b>DATE:</b><br><br><b>February 13, 2002</b>                       |
|  | <b>SUBJECT:</b><br><br><b>Tulare County Self-Sufficiency Level</b> |

**WIB DIRECTIVE****WIBD-00-2 Revised (2<sup>nd</sup>)****TO:** TCWIB Service Providers and TCWID Staff**SUBJECT:** TULARE COUNTY SELF-SUFFICIENCY LEVEL**EXECUTIVE SUMMARY:****Purpose:**

This directive issues the current Year 2001 – 2002 Tulare County Workforce Investment Board, Inc.'s (TCWIB) self sufficiency criteria for employed workers.

**Scope:**

The self-sufficiency criterion is used as a condition for providing intensive and training or retraining services to employed adults and dislocated workers. *The self-sufficiency criterion does not apply to WIA Title IB Youth Programs and unemployed adults.* When determining income eligibility for Youth and unemployed adults use the higher of the Lower Living Standard Income Level (LLSIL) or the HHS Poverty Guidelines. See TCWIB Directive (WIBD-00-16) 2001 70 Percent LLSIL and 2001 Poverty Guidelines.

**Effective Date:**

Date of issue. Supersedes Directive WIBD-00-2 Revised, dated July 2, 2001

**REFERENCES:**

- WIA Section 134(d)(3)(A)(ii); 20 CFR Part 652, 663.230
- Federal Register, Volume 66, Number 90, WIA, Lower Living Standard Income Level (LLSIL) (May 9, 2001)
- Federal Register, Volume 65, Number 31, Annual Update of the HHS Poverty Guidelines (February 15, 2000)
- U.S. Census Bureau, Poverty 1999, Current Population Survey
- U.S. Bureau of Labor Statistics, consumer Expenditure Surveys, 1998 Standard Tables
- Official USDA Food Plans, Family Economics & Nutrition Review, Volume 12, Number 2, Summer 1999
- Making Ends Meet, How Much Does It Cost To Raise A Family In California ?: A Publication of the California Budget Project, September 2001

## FILING INSTRUCTIONS:

Retain this directive until further notice.

## BACKGROUND:

WIA Section 663.230 of CFR Part 652, et al. requires a definition, established by the local board, of economic self-sufficiency for determining Employed Adults and Employed Dislocated Workers eligibility for intensive and training services to obtain or retain employment that allows for self-sufficiency. At a minimum, the criteria provides that self-sufficiency means employment that pays at least 100 percent of the LLSIL established for the local area.

Unlike predecessor employment and training programs, WIA opens up employment and training services to employed adults and dislocated workers. In doing so, the Act establishes certain criteria that employed workers must meet in order to receive services beyond core services. The term "self-sufficiency" in Sec. 663.220(b) only applies in the context of establishing eligibility for employed adults and employed dislocated workers to receive intensive services under WIA. A determination that an employed adult or dislocated worker is in need of intensive services to obtain or retain employment that allows for self-sufficiency is one of the criteria for the receipt of such services. This provision serves as a "limiter" in determining service eligibility for such employed workers, which helps ensure that intensive services are provided to those employed adults or dislocated workers most-in-need of such services, such as individuals employed in low skill/low wage jobs and dislocated workers who may be working but who have not achieved the wage replacement rate for self-sufficiency defined by a State or Local Board for dislocated workers.

The following process was followed to determine the self-sufficiency level for eligible participants in Tulare County. The Bureau of Labor Statistics' 1998 Consumer Expenditure Survey Table based on the size of the consumer unit was presented to a workgroup for discussion. This table included elements (food, utilities, entertainment, etc.) of consumer spending. The workgroup consisted of Workforce Investment Department staff and Service Provider representatives. The workgroup discussed each element on the list and decided if it was a requirement for a four-member family to be self-sufficient. The group defined self-sufficiency as requiring no subsidies (food stamps, healthy families insurance, etc.) to survive.

The elements for self sufficiency were determined to be: food, utilities, phone, housekeeping supplies, clothing, transportation, health care, outside of the home activities, personal care products and services, education costs, childcare and taxes. A dollar figure was assigned to each of these elements.

The elements were divided into basic needs and controllable costs. The basic need elements are food, housing, utilities and health care. Industry averages were used to determine the amount allocated for the basic needs. When available, Tulare County averages were used (housing, utilities). The controllable cost elements are: housekeeping supplies, clothes, transportation, outside of the home activities, personal care products and services, education, childcare and taxes. A reasonable amount was allocated to these controllable cost elements. The income taxes were compiled, as a percentage of the income required to be self-sufficient.



## POLICY AND PROCEDURES:

### Definition of Self Sufficiency

#### 1. Employed Adults:

When determining WIA Title IB eligibility for employed adults use the table below to determine the self-sufficiency level for the appropriate family size. A comparison of the applicant's actual family income during the six-month income determination period with the six-month figures on the charts enable the reviewer to immediately determine self sufficiency status. Any Employed Adult who is not considered to be economically self sufficient, as defined below, is eligible to receive WIA Title IB intensive and training services.

| <i>Family Size</i>           | <i>1</i>       | <i>2</i>        | <i>3</i>        | <i>4</i>        | <i>5</i>      | <i>6</i>        | <i>Each Add'l add</i> |
|------------------------------|----------------|-----------------|-----------------|-----------------|---------------|-----------------|-----------------------|
| <i>Six Months 175% LLSIL</i> | <i>\$9,528</i> | <i>\$15,610</i> | <i>\$21,492</i> | <i>\$26,451</i> | <i>31,220</i> | <i>\$36,505</i> | <i>\$5,285</i>        |

#### 2. Employed Dislocated Workers:

- A. Any Employed Dislocated Worker who is not considered to be economically self sufficient for the appropriate family size as defined in the table above, is eligible to receive WIA Title IB intensive and training services. A comparison of the applicant's actual family income during the six-month income determination period with the six-month figures on the charts enable the reviewer to immediately determine self sufficiency status. **or**
- B. Any Employed Dislocated Worker who is not earning 85% of their hourly dislocation wage is eligible to receive WIA Title IB intensive and training services.

*The WIA requirement to establish a local definition of economic self-sufficiency to determine the eligibility for employed adults, does not change the TCWIB's Strategic Five-Year Local Plan that gives priority to serve the following low-income customers:*

- a. Current TANF/SSI recipients*
- b. Former TANF/SSI recipients (received TANF/SSI in last six months)*
- c. Low Income individuals (per Poverty LLSI Guidelines)*
- d. Received Food Stamps within last six months*
- e. Persons with disabilities whose own income meets the requirements of a program described in a, b, c or d above, but is a member of a family whose own income does not meet such requirements*

### ACTION:

1. Notify all affected staff of the self-sufficiency levels.
2. Begin using the information in this directive to determine eligibility for employed adults and employed dislocated WIA Title I-B clients.

***WIA Eligibility Technical Assistance Guide***

**INQUIRIES:**

Please direct inquiries about this bulletin to the Tulare County Workforce Investment Department, at (559) 713-5200.

Joseph H. Daniel  
Administrator

JHD:DM:mb

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## INSTRUCTIONS

PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM.

**Anti-Discrimination Notice.** It is illegal to discriminate against any individual (other than an alien not authorized to work in the U.S.) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

**Section 1 - Employee.** All employees, citizens and noncitizens, hired after November 6, 1986, must complete Section 1 of this form at the time of hire, which is the actual beginning of employment. The employer is responsible for ensuring that Section 1 is timely and properly completed.

**Preparer/Translator Certification.** The Preparer/Translator Certification must be completed if Section 1 is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete Section 1 on his/her own. However, the employee must still sign Section 1.

**Section 2 - Employer.** For the purpose of completing this form, the term "employer" includes those recruiters and referrers for a fee who are agricultural associations, agricultural employers or farm labor contractors.

Employers must complete Section 2 by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins. If employees are authorized to work, but are unable to present the required documents) within three business days, they must present a receipt for the application of the documents) within three business days and the actual documents) within ninety (90) days. However, if employers hire individuals for a duration of less than three business days, Section 2 must be completed at the time employment begins. Employers must record: 1) document title; 2) issuing authority; 3) document number, 4) expiration date, if any; and 5) the date employment begins. Employers must sign and date the certification. Employees must present original documents. Employers may, but are not required to, photocopy the documents) presented. These photocopies may only be used for the verification process and must be retained with the 1-9. However, employers are still responsible for completing the 1-9.

**Section 3 - Updating and Reverification.** Employers must complete Section 3 when updating and/or reverifying the 1-9. Employers must reverify employment eligibility of their employees on or before the expiration date recorded in Section 1. Employers **CANNOT** specify which document(s) they will accept from an employee.

- If an employee's name has changed at the time this form is being updated/ reverified, complete Block A.
- If an employee is rehired within three (3) years of the date this form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.

- If an employee is rehired within three (3) years of the date this form was originally completed and the employee's work authorization has expired or if a current employee's work authorization is about to expire (reverification), complete Block B and:
  - examine any document that reflects that the employee is authorized to work in the U.S. (see List A or C),
  - record the document title, document number and expiration date (if any) in Block C, and complete the signature block.

**Photocopying and Retaining Form I-9.** A blank I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed I-9s for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

**For more detailed information, you may refer to the INS Handbook for Employers, (Form M-274). You may obtain the handbook at your local INS office.**

**Privacy Act Notice.** The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by officials of the U.S. Immigration and Naturalization Service, the Department of Labor and the Office of Special Counsel for Immigration Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

**Reporting Burden.** We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: 1) learning about this form, 5 minutes; 2) completing the form, 5 minutes; and 3) assembling and filing (recordkeeping) the form, 5 minutes, for an average of 15 minutes per response. If you have comments regarding the accuracy of this burden estimate, or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, HQPDI, 425 I Street, N.W., Room 4034, Washington, DC 20536. OMB No. 1115-0136.

Form I-9 (Rev. 11-21-91)N

EMPLOYERS MUST RETAIN COMPLETED FORM I-9  
PLEASE DO NOT MAIL COMPLETED FORM I-9 TO INS



# WIA Eligibility Technical Assistance Guide

U.S. Department of Justice  
Immigration and Naturalization Service

OMB No. 1115-0136

## Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form. **ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which documents they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

### Section 1. Employee Information and Verification.

To be completed and signed by employee at the time employment begins.

|  |       |  |                                |
|--|-------|--|--------------------------------|
| Print Name Last  | First | Middle Initial   | Maiden Name                    |
| Address (Street Name and Number)   |       | Apt. #   | Date of Birth (month/day/year) |
| City   | State | Zip Code   | Social Security #              |
| <b>I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.</b> |       | I attest, under penalty of perjury, that I am (check one of the following):<br><input type="checkbox"/> A citizen or national of the United States<br><input type="checkbox"/> A Lawful Permanent Resident (Alien # A _____)<br><input type="checkbox"/> An alien authorized to work until ___/___/___<br>(Alien # or Admission #) _____ |                                |
| Employee's Signature   |       |  | Date (month/day/year)          |

**Preparer and/or Translator Certification.** (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

|   |                       |
|---|-----------------------|
| Preparer's/Translator's Signature                       | Print Name            |
| Address (Street Name and Number, City, State, Zip Code) | Date (month/day/year) |

### Section 2. Employer Review and Verification.

To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s)

| List A                                | OR | List B      | AND | List C      |
|---------------------------------------|----|-------------|-----|-------------|
| Document title: _____                 |    | _____       |     | _____       |
| Issuing authority: _____              |    | _____       |     | _____       |
| Document #: _____                     |    | _____       |     | _____       |
| Expiration Date (if any): ___/___/___ |    | ___/___/___ |     | ___/___/___ |
| Document #: _____                     |    | _____       |     | _____       |
| Expiration Date (if any): ___/___/___ |    | _____       |     | _____       |

**CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) \_\_\_/\_\_\_/\_\_\_ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)**

|  |  |                       |
|--|--|-----------------------|
| Signature of Employer or Authorized Representative | Print Name   | Title                 |
| Business or Organization Name                      | Address (Street Name and Number City, State, Zip Code) | Date (month/day/year) |

### Section 3. Updating and Reverification.

To be completed and signed by employer.

|  |  |
|--|--|
| A. New Name (if applicable)  | B. Date of rehire (month/day/year) (if applicable) |
| C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility. |  |
| Document Title: _____  | Document #: _____                                  |
| Expiration Date (if any): ___/___/___  |  |

**I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.**

|  |                       |
|--|-----------------------|
| Signature of Employer or Authorized Representative | Date (month/day/year) |
|--|-----------------------|

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LISTS OF ACCEPTABLE DOCUMENTS

| LIST A   | OR | LIST B   | AND | LIST C  |
|--|----|--|-----|---|
| <p><b>Documentation that Establish Both Identity and Employment Eligibility</b></p> <ol style="list-style-type: none"> <li>1. U.S. Passport (unexpired or expired)</li> <li>2. Certificate of U.S. Citizenship (<i>INS Form N-560 or N-561</i>)<br/>Not acceptable</li> <li>3. Certificate of Naturalization (<i>INS Form N-550 or N-570</i>)<br/>Not acceptable</li> <li>4. Unexpired foreign passport, with <i>I-551 stamp</i> or attached <i>INS Form I-94</i> indicating unexpired employment authorization</li> <li>5. Alien Registration Receipt Card with photograph (<i>INS Form I-551</i>)<br/><i>I-151 not acceptable.</i></li> <li>6. Unexpired Temporary Resident Card (<i>INS Form I-688</i>)</li> <li>7. Unexpired Employment Authorization Card (<i>INS Form I-688A</i>)</li> <li>8. Unexpired Reentry Permit (<i>INS Form I-327</i>)</li> <li>9. Unexpired Refugee Travel Document (<i>INS Form I-571</i>)<br/>Not acceptable</li> <li>10. Unexpired Employment Authorization Document issued by the INS which contains a photograph (<i>INS Form I-688B</i>) or <i>I-766</i></li> </ol> | OR | <p><b>Documents that Establish Identity</b></p> <ol style="list-style-type: none"> <li>1. 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, sex, height, eye color, and address</li> <li>2. 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, sex, height, eye color, and address</li> <li>3. School ID card with a photograph</li> <li>4. Voter's registration card</li> <li>5. U.S. Military card or draft record</li> <li>6. Military dependent's ID card</li> <li>7. U.S. Coast Guard Merchant Mariner Card</li> <li>8. Native American tribal document</li> <li>9. Driver's license issued by a Canadian government authority</li> </ol> <p><b>For persons under age 18 who are unable to present a document listed above:</b></p> <ol style="list-style-type: none"> <li>10. School record or report card</li> <li>11. Clinic, doctor, or hospital record</li> <li>12. Day-care or nursery school record</li> </ol> | AND | <p><b>Documents that Establish Employment Eligibility</b></p> <ol style="list-style-type: none"> <li>1. U.S. social security card issued by the Social Security Administration (other than a card stating it is not valid for employment)</li> <li>2. Certification of Birth Abroad issued by the Department of State (<i>Form FS-545 or Form DS-1350</i>)</li> <li>3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal</li> <li>4. Native American tribal document</li> <li>5. U.S. Citizen ID Card (<i>INS Form I-197</i>)</li> <li>6. ID Card for use of Resident Citizen in the United States (<i>INS Form I-179</i>)</li> <li>7. Unexpired employment authorization document issued by the INS (<i>other than those listed under List A</i>)</li> </ol> |

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)