Employment and Training Program Services Available for Individuals without Work Authorization

April 2024

mn **EMPLOYMENT AND ECONOMIC DEVELOPMENT**

Reducing Administrative Barriers to Improve Customer Experience

Webinar: Reducing Administrative Barriers to Improve Customer Experience in Grant Programs Administered by Employment and Training Administration:
Webinar Link
Training and Guidance Letter 10-23

Challenge Discussed: Lengthy enrollment processes hinder job seekers in accessing much needed services provided by workforce development programs, due to administrative documentation collection.

Goal: Clarify eligibility requirements to expedite service delivery and reduce administrative barriers, to ensure equitable access for all.

Workforce Innovation and Opportunity Act (WIOA) Section 188(a)(5)

- "Participation in programs and activities or receiving funds under [Title I of WIOA] shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States."

- If individuals can show that they are legal permanent residents, refugees, asylees, or parolees, all WIOA services shall be available to them.

- Other immigrants who are not U.S. citizens or nationals and who are outside the categories immediately above must be able to show that they have work authorization in order to receive certain WIOA services as described later in this presentation.

Providing Services to Participants Without Work Authorization Verification

- Some Employment and Training Administration (ETA) grant program services can be provided without work authorization verification.

- This can be helpful in many situations, including where:

  - workers are awaiting work authorization,

  - already have work authorization but do not have the documents to demonstrate it due to surviving a disaster,

  - or any number of circumstances.

- Grantees do not need to verify that one of these scenarios occurred; grantees can deliver certain services without checking work authorization to ensure the efficient delivery of services to workers in need.

Support for Individuals without Work Authorization

- Service providers are encouraged, at the first encounter, to provide clear and detailed information to individuals on services they can and cannot receive if they do not have, or do not wish to provide work authorization or other program eligibility documentation.

- When serving individuals whose work authorization has not been verified, service providers are encouraged to develop service plans that consider the menu and order of services that best prepare the individual to successfully reside in the community and eventually secure employment with a livable wage.

- Partnerships with other organizations, particularly community-based organizations focused on assisting immigrants and non-native English speakers, can help identify how the public workforce development system can best serve individuals who do not yet have work authorization.

Support for Individuals in Obtaining Documents

- While certain documents, such as a driver's license or identification card, Social Security card and/or birth certificate may not be required for an individual to begin receiving services, these documents are typically necessary for participants to work.

- Service providers are encouraged to help individuals obtain documents necessary for employment.

- Referrals to partner organizations for legal assistance and support for populations with barriers to employment such as immigrants and refugees, homeless individuals, youth, and justice-involved individuals are encouraged.

- Many programs allow paying of fees for participants to obtain documents as a supportive service, except for individuals not yet authorized to work.

Serving Individuals Without a Social Security Number

- Providers must ask for individual's Social Security Number (SSN) for reporting purposes, but services cannot be denied if individual chooses not to disclose SSN.

- When requesting SSN, providers must explain, in writing:
  - the authority to request SSN;
  - the purpose for requesting SSN;
  - how the information will be used for understanding outcomes;
  - and the right to decline disclosure.

- Disclosure is in "How We Use Your Personal Information" form.

Serving Individuals Without a Social Security Number

- Providers should explain to participants the privacy measures they use to protect personally identifiable information, including the Social Security Number (SSN).

- Providers may request the participant's SSN after enrollment and during their period of service, once the participant may feel a greater level of trust.

- Providers may explain to participants that employers will require disclosure of SSNs for tax purposes, so the participant is prepared for that eventuality.

Services that do not Require Work Authorization Verification

Grantees may deliver many services without proof of a participant's work authorization, including, but not limited to:

Labor exchange services – Labor Market Information (LMI), career exploration, career guidance, resume writing assistance, and job search assistance.	Information on worker rights and where to find legal assistance.	Referral to community resources such as transportation, childcare support, food assistance, housing assistance, medical assistance, and other similar resources.	Individualized services – career assessments, development of an individual employment plan, group counseling, one-on-one case management, career planning, information on foreign credential evaluation services and on obtaining credit for prior learning.
Basic skills education including English language instruction, and high school equivalency.	Assistance in completing paperwork to finalize work authorization.	Assistance in applying for an occupational license.	Outreach to workers regarding the Employment Related Law Complaint System and processing such complaints.

Services that Require Work Authorization Verification

- Services that require work authorization verification include, but are not limited to:
  - *Job placement.*
  - *Occupational post-secondary training.*
  - *Work experience and Work based learning opportunities, including community service employment assignments in Senior Community Services Employment Program (SCSEP).*
  - *Supportive Services that represent a direct financial benefit such as a voucher or reimbursement, relocation expenses, or needs-related payments.*
- Grantees may postpone verifying work authorization documentation until participant is moving into services that require authorization.
- Grantees must verify that an individual has been granted work authorization prior to delivering those services identified above.
- While a copy of documentation <u>is not required</u> for participant file, it is encouraged to view documentation & note in case file that participant has an employment authorization document.

Impacts on Workforce One

- Workforce One process currently allows the creation and entry of a pseudo SSN if an individual refuses to provide their SSN.

- Changes required to Workforce One to implement the guidance in TEGL 10-23 regarding service to individuals without work authorization are still being evaluated.

- Timeline for implementation of changes in Workforce One is undetermined at this time.

Adult & Dislocated Work Programs

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Adult Programs - Links to Policies Impacted

Policy Title	Effective Date	Last Updated	Related Document Links	TEGL 10-23 Impacted
Performance Standards	7/1/2016	12/2/2022	None	Yes - SSN is needed for performance reporting purposes but grantees cannot deny an individual services if they don't provide SSN.
WIOA Adult and Dislocated Worker Allowable Activities	4/18/2018	4/22/2020	None	Yes - providers may deliver many types of basic career services without proof of a participant's work authorization.
Dislocated Worker Program Provider Certification/Decertification	7/1/2013	10/28/2019	• Current List of Certified and Eligible Providers • Dislocated Worker Program Projects and Competitive Process for Mass Layoff Grants • Dislocated Worker Program Procedures for Awarding Small Layoff Funding for Independent Grantees	Yes - eligibility determination is one of the services that certified organizations must provide.
WIOA Dislocated Worker Eligibility Policy (WIOA)	7/1/2015	1/10/2023	• DW Acceptable Documentation List https://apps.deed.state.mn.us/assets/policies/2023-wioa-state-dw-eligibility-terms.pdf	Yes - eligibility criteria include "U.S. citizen or otherwise legally entitled to work in the United States."
WIOA Adult Eligibility Policy (WIOA)	7/1/2015	1/10/2023	• DW Acceptable Documentation List https://apps.deed.state.mn.us/assets/policies/2023-wioa-state-dw-eligibility-terms.pdf	Yes - eligibility criteria include "U.S. citizen or otherwise legally entitled to work in the United States."
State Dislocated Worker Eligibility Policy (State)	7/1/2015	1/10/2023	• Dislocated Worker Program Definitions (WIOA & State) • DW Acceptable Documentation List	Yes - eligibility criteria include "Eligible to work in the United States;"
Case Management	2/1/2016	1/23/2018	None	Yes - "DEED requires case managers to maintain a separate paper file with required eligibility and other paper documentation..."

Youth Programs

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WIOA Youth Administrative Policies

The following WIOA Youth Admin policies have been updated to reflect guidance in TEGL 10-23 and are posted to the WIOA Youth webpage :

- Chapter 01 - Introduction to WIOA Young Adult Programs (DRAFT updated 3/19/24)
- Chapter 02 - Eligibility and Targeting (DRAFT updated 3/26/24)
- Chapter 03 - Selective Service (DRAFT updated 3/26/24)
- Chapter 04 - Documentation of Eligibility (DRAFT updated 4/8/24)
- Chapter 11 - Program Elements (DRAFT updated 3/19/24)
- Chapter 12 - Individual Training Accounts (ITAs) (DRAFT updated 3/26/24)
- Chapter 18 - WIOA Youth Cost Matrix (DRAFT updated 3/26/24)

Adult Career Pathways Programs

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Adult Career Pathways Overview

- Adult Career Pathways (ACP) administers state funded adult employment and training grants.
- To be successful in securing long-term family-sustaining wages, ACP provides adults who face multiple barriers to employment and who are in need of:
  - enhanced educational services
  - wrap-around support
  - support services
- Services are intended to help eliminate racial disparities and large economic gaps in Minnesota and increase Minnesotans':
  - literacy
  - access to high-growth
  - high-wage jobs

Adult Career Pathways

- Adult Career Pathways (ACP) programs utilize Social Security Numbers (SSN) of participants enrolled in a training program to be entered in Workforce One data system to provide information for Uniform Report card.

- All state funded (in whole or in part) workforce programs, including ACP programs, are subject to Mn Statute 116L.98. Report includes:

  o Total Enrollments.
  o Median pre-enrollment wages of enrolled participants.
  o Number of participants with zero income.
  o Total enrolled in training.
  o Total enrolled in training by occupational group.
  o Total exiting program and average enrollment duration.
  o Total exiting program who completed training.

  o Total exiting program who attained a credential.
  o Total employed during three consecutive quarters immediately following quarter of exit and median wages.
  o Total participants employed during eight consecutive quarters immediately following quarter of exit and median wages.
  o Total cost of program, cost per participant, cost per credential received by a participant, and administrative cost of program.

Providing Services to Participants Without Work Authorization Verification

- 116L.98 requires a match with Unemployment Insurance wage detail.

  - Wage match requires valid Social Security Number (SSN) entered into Workforce One.

- All enrolled participants must be eligible to accept unsubsidized employment upon completion of training and credential attainment.

- Adult Career Pathways (ACP) programs may utilize alternative documentation of SSN to enroll in programs, but then must work with participants to obtain required documentation to satisfy I-9 work authorization.

  - ACP allows for support service funds to pay for fees needed to obtain these documents.

- All ACP program providers may not refuse to provide services to individuals regardless of work authorization status.

  - Providers may use alternative funding sources to provide services to individuals.

  - Providers should provide resources or refer participants to other services within CareerForce system.

Acknowledgements

Thank you!

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