March 12, 2004

Workforce Investment Act Memorandum Number E&T 04-28

Topic: Eligibility Process for Incumbent Workers

Subject: Process used to ensure the eligibility of incumbent workers to receive WIA funding to support their re-training services

Purpose: To ensure that pertinent data is captured from the employer to key in eCMATS

Background: Section 134 (a) (3) (A) (iv) (I) of the WIA provides the State to establish an Incumbent worker program. The eligibility for incumbent workers receiving WIA services is based on the needs of the employer to upgrade the skills of workers to remain competitive and retain business. The selection as to who will need retraining is determined by the employer. Like other WIA programs, success from these expended funds for incumbent worker training can only be assessed through the collection of pertinent data. Sharing information between the employer and the LWIA will produce an effective method of data collection. The information will be keyed into eCMATS to enable the state to evaluate the effectiveness of the incumbent worker program.

Instructions: All mandatory information on each participant receiving WIA Title I funds will be keyed into eCMATS appropriately; this includes information about incumbent workers receiving services. Since Tennessee’s workforce is internationally diverse, it is important to verify that workers selected for re-training or for upgrading of skills have completed the Eligibility Verification form I-9. (A copy is attached for reference). Since verifying this information is time consuming and may disrupt business operations, LWIAs will rely on information provided by the employer. The employer is required to provide the LWIA: a list of the names of the workers selected to receive incumbent worker services, their social
security numbers; and, the signature of the employer or the human
resource manager verifying a current Employment Eligibility Verification
Form I-9 is on file with the employer.

Additionally, we ask a copy of this list be kept in the file of each employee
receiving incumbent worker services for monitoring purposes.

Contact: For questions regarding this policy, please contact Elaine Perryman,
Administrator, Employment & Workforce Development, at 741-1031.

Effective Date: Immediately

Expiration Date: Indefinite

Approved: Elaine S. Perryman, Administrator

Approved: James G. Neeley, Commissioner

WIA Memorandum Number E&T 02-24
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 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 Information and Verification. To be completed and signed by employee at time employment begins. Print Name:

First ___________ Middle Initial ___________ Maiden Name ___________

_Street Name and Number_ Apt. # ___________ Date of Birth (month/day/year) ___________

City ___________ State ___________ Zip Code ___________ Social Security # ___________

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.

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/Translator’s Signature ___________ Date (month/day/year) ___________

Preparer/Translator’s Address (Street Name and Number, City, State, Zip Code) ___________

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

<table>
<thead>
<tr>
<th>Document Title</th>
<th>Issuing Authority</th>
<th>Expiration Date (if any)</th>
<th>Document #:</th>
<th>Expiration Date (if any)</th>
</tr>
</thead>
</table>

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 ___________ 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) have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative ___________ Date (month/day/year) ___________
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 the individual’s national origin or citizenship status. It is illegal to discriminate against work eligible individuals. Employers CANNOT screen out individuals who 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/Transmitter Certification. The Preparer/Transmitter Certification must be completed if Section 1 is prepared by a person other than the employee. A preparer/transmitter may be required when the employee is unable to complete Section 1 or furnish 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 association(s), 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 day the employment begins. If employees are authorized to work, but are unable to present the required document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) 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, photostate the document(s) presented. These photostats may only be used for the verification process and must be retained with the I-9. However, employers are still responsible for completing the I-9.

Section 3 - Updating and Reverification. Employers must complete Section 3 when updating and/or revalidating the I-9. Employers must reverify employment eligibility of all 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: 1) examine any document that reflects that the employee is authorized to work in the U.S. (see List A or C); 2) record the document title, document number and expiration date of any in Block C, and complete the signature block.

Photocopying and Retaining Forms 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.


This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, 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) averaging 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, HOPDI, 425 1st Street, N.W., Room 4034, Washington, DC 20526. OMB No. 1532-0136.
### LIST A
Documents that Establish Both Identity and Employment Eligibility

1. U.S. Passport (unexpired or expired)
2. Certificate of U.S. Citizenship (INS Form N-560 or N-561)
3. Certificate of Naturalization (INS Form N-550 or N-570)
4. Unexpired foreign passport, with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization
5. Permanent Resident Card or Alien Registration Receipt Card with photograph (INS Form I-151 or I-551)
6. Unexpired Temporary Resident Card (INS Form I-688)
7. Unexpired Employment Authorization Card (INS Form I-688A)
8. Unexpired Reentry Permit (INS Form I-327)
9. Unexpired Refugee Travel Document (INS Form I-571)
10. Unexpired Employment Authorization Document issued by the INS which contains a photograph (INS Form I-688B)

### LIST B
Documents that Establish Identity

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, gender, height, eye color and address
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, gender, height, eye color and address
3. School ID card with a photograph
4. Voter’s registration card
5. U.S. Military card or draft record
6. Military dependent’s ID card
7. U.S. Coast Guard Merchant Marine Card
8. Native American tribal document
9. Driver’s license issued by a Canadian government authority

For persons under age 18 who are unable to present a document listed above:

10. School record or report card
11. Clinic, doctor or hospital record
12. Day-care or nursery school record

### LIST C
Documents that Establish Employment Eligibility

1. U.S. social security card issued by the Social Security Administration (other than a card stating it is not valid for employment)
2. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)
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
4. Native American tribal document
5. U.S. Citizen ID Card (INS Form I-191)
6. ID Card for use of Resident Citizens in the United States (INS Form I-179)
7. Unexpired employment authorization document issued by the INS (other than those listed under List A)

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