



**Buffalo and Erie County  
Workforce Investment Board, Inc.**

**LOCAL POLICY BULLETIN**

**BECWIB Bulletin # 7-16**

**Date: 10/18/16**

**TO:** Lavon Stephens, Administrative Director, WDC

**FROM:** Heather Gresham, Executive Director, WIB

**SUBJECT:** Nondiscrimination and Work Authorization Documentation

**REFERENCES:** Section 188 of the Workforce Innovation and Opportunity Act (WIOA); Part 38 of Vol. 29 of the Code of Federal Regulations; and Part 680 of Vol. 20 of the Code of Federal Regulations.

**Effective Date: IMMEDIATELY**

Effective immediately, and in accordance with the Workforce Innovation and Opportunity Act, our Local Workforce Development Area (LWDA) adopts the following policy concerning nondiscrimination and the collection of documents evidencing a Customer's authorization to work in the United States.

This Local Policy Bulletin 7-16 revises and replaces Local Policy Bulletin 7-14, Collection Form I-9 Documentation, dated July 15, 2014.

**POLICY STATEMENT**

**Non-discrimination and equal opportunity**

State and Local Workforce Development Boards, one-stop operators, service providers, Job Corps contractors, and sub-recipients, as well as other types of individuals and entities, receiving funds under Title I of WIOA, must be compliant with Section 188 of WIOA and its regulations at 29

CFR part 38 to ensure non-discrimination and equal opportunity. This requires that participation in programs and activities, or receiving funds, under Title I of WIOA must 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 Secretary of Homeland Security or the Secretary's designee to work in the United States. [20 CFR Sec. 683.285(a)(5)].

### **Work Authorization and Required Documentation**

A Customer's authorization to work in the United States must be established prior to providing the Customer with Individualized Career Services or Training Services under WIOA.

*Individualized Career Services* are defined in WIOA Sec. 134(c)(2)(A)(xii) and in the U.S. Department of Labor's ETA Training and Employment Guidance Letter (TEGL) Number 3-15 (dated July 1, 2015).

*Training Services* are defined in WIOA Sec. 134(c)(3)(D) and in 20 CFR Sec. 680.200 (a) through (k).

The documents that establish employment authorization are listed on Form I-9 attached.

The Customer may choose which documents on Form I-9 will be provided. Staff may not direct the Customer's choice of the Form I-9 documents.

The documents that the Customer presents must be reviewed, copied and placed in the Customer's One-Stop Center file as evidence of authorization to work in the United States. These documents must be retained in accordance with the LWDA's document retention policy.

Without work authorization, the Customer cannot receive Individualized Career Services or Training Services.

If the Customer's work authorization will expire before training services are completed, the reasonable use of federal funds dictates against providing that training service.

Thank you for complying with this policy.

Please direct any questions to me at [gresham@becwib.org](mailto:gresham@becwib.org)

Attachment

cc: Carolyn Bright, Terry Chatfield, Brenda W. McDuffie, Denise Raymond, Russell Sferlazza, Darrell Slisz, Demone Smith, and WIB Staff