

MASSACHUSETTS

# Workforce Investment Act

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**WIA Communication No. 05-75**

☐ Policy   ☒ Information

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**To:** Chief Elected Officials  
Workforce Investment Board Chairs  
Workforce Investment Board Directors  
Title I Administrators  
Career Center Directors  
Title I Fiscal Officers  
DCS Regional Directors for Workforce Integration  
DCS Associate Directors  
DCS Field Managers

**cc:** WIA State Partners

**From:** Susan V. Lawler, Commissioner  
Division of Career Services

**Date:** September 29, 2005

**Subject:** Identification Requirements related to Hiring of Hurricane Katrina Impacted Individuals.

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**Purpose:** To notify local Workforce Investment Boards, One-Stop Career Center Operators and local workforce investment partners of a temporary change to the identification requirements to be followed by employers hiring individuals impacted by Hurricane Katrina in order to assist employers and job seekers to understand the available options in acquiring new valid documents as well as understanding the DHS policy of flexibility with regard to said individuals. The change was announced by the U.S. Department of Labor Employment and Training Administration in Training and Employment Notice 7-05 issued on September 13, 2005 (Attachment A).

**Background:** As a result of Hurricane Katrina, many affected individuals may not have the necessary identification documents that are presented to employers for completion of the Department of Homeland Security U.S. Citizenship and Immigration Services Employment Eligibility Verification Form I-9 (Attachment B). On September 6, 2005 DHS announced on its website that it will not sanction employers for hiring individuals impacted by Hurricane Katrina who are unable to provide documentation normally required under Section 274A of the Immigration and Nationality Act at the time of hire.

The policy applies to individuals evacuated or displaced as a result of Hurricane Katrina and who are otherwise eligible for employment in the United States but currently lack personal documents.

Under Section 274A of the Immigration and Nationality Act U.S. employers are responsible for completing and retaining Employment Eligibility Verification Form I-9. The form requires the employer to verify an individual's employment eligibility and establish identity through original documents presented by the employee.

As a result of the dislocation and the loss of personal records caused by Hurricane Katrina, many otherwise employment eligible individuals are unable to produce the required documents that are listed on the I-9 Form. Additionally, many individuals are unable to apply for and receive new documents due to the damage and destruction to government facilities in the area affected by the hurricane.

Therefore, it will be the policy of the Department of Homeland Security to refrain from initiating employer sanction actions for the forty-five (45) day period following the DHS announcement of September 6, 2005. Employers will still need to complete Form I-9 to the extent possible at the time of hire, but should note when documentation normally required is not available due to Hurricane Katrina.

The Department of Homeland Security will review the policy and make further recommendations at the end of the 45-day period.

The TEN also recommends that local workforce investment systems assist individuals affected by Hurricane Katrina in obtaining or replacing personal documents required for employment and other purposes. U.S. DOL/ETA suggests:

- specifically training front line staff who work with individuals or families affected by Hurricane Katrina in these requirements
- developing the capacity to support hurricane-affected individuals in applying for new documentation, both with staff assistance and on-line. This might include obtaining copies of appropriate forms and making them available and assisting individuals with their completion.
- developing a list of web sites designed for applying for new documents (see Attachment B).

**Action**

**Required:**

Local Workforce Investment Boards and One-Stop Operators should assure that staff are knowledgeable of the content of this issuance. Because of the time sensitive nature of the policy, it is recommended that local areas stay abreast of future DHS announcements related to the documentation policy by monitoring the DHS website <http://www.dhs.gov/interweb/assetlibrary/katrina.htm> , or the U.S. Citizenship and Immigration Services site at <http://uscis.gov/graphics/index.htm>. Additional information is also available to employers by contacting the toll-free Employer Business investor and School Services Hotline (EBISS) at 1-800-357-2099 (TDD: 800-767-1833) or by fax at 202-272-1865.

It is strongly recommended that Local Workforce Investment Boards and One-Stop Career Center Operators ensure that staff are knowledgeable of the normally required forms of documentation required for the determination of employment eligibility in completing the I-9 Form in order to provide assistance to Katrina affected individuals who may be currently residing in Massachusetts.

It is also suggested that the DHS web site be monitored for future announcements related to individuals affected by Hurricane Rita.

**Effective:** Immediately

**Inquiries:** Please email all questions to [PolicyQA@detma.org](mailto:PolicyQA@detma.org). Also, indicate Issuance number and description.

**Filing:** Please file this in your notebook of previously issued WIA Communication Series Issuances as #05-75.