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STATE INSTRUCTION NUMBER 25-06

To: Local Workforce Area Signatory Officials
Local Workforce Area Board Chairs
Local Workforce Area Administrators
DEW Area Directors
DEW Regional Managers
DEW UI Operations

Subject: Work Authorization Requirements

Issuance Date: November 25, 2025

Effective Date: Immediately

Purpose: To provide guidance on the requirement to verify work authorization for the Workforce Innovation and Opportunity Act (WIOA), Wagner-Peyser (WP), Trade Adjustment Assistance (TAA), National Dislocated Worker Grants (DWGs), Reemployment Services and Eligibility Assessment (RESEA), and Migrant and Seasonal Farmworker (MSFW) programs.

References:

- Workforce Innovation and Opportunity Act, Public Law 113-128
- Personal Responsibility and Work Opportunity Reconciliation Act, Title IV, Public Law 104-193
- 20 CFR §§ 618.225; 653.103; 678.430; 680.170; 681.320
- Training and Employment Guidance Letters (TEGLs) 10-23, Change 2; 19-16; 23-19, Change 1 and Change 2
- State Instruction Letters 20-15, Change 1; 20-09; 18-01; 16-13, Change 1; 25-02

Background: Previously, the Department of Labor (DOL) had interpreted that some federally funded program services could be provided to jobseekers and workers without verifying their work authorization. With the publication of TEGL 10-23, Change 2, DOL has established that **all participant-level services** are considered “federal public benefits” under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

The chart of services that trigger participation is listed in Attachment II of TEGL 19-16, which is attached to this state instruction for ease of access.

Policy: Participant-level services may only be delivered to individuals authorized to work in the United States for the following programs:

- WIOA Title I Adult, Dislocated Worker, and Youth
- WIOA National Dislocated Worker Grants
- Trade Adjustment Assistance
- WP Employment Services
- Reemployment Services and Eligibility Assessment
- Migrant and Seasonal Farmworker

These programs must verify work authorization only for individuals who would otherwise meet participation requirements. To complete the verification, a document must be submitted with a unique identifier. Staff should refer to the List of Acceptable Documents for Form I-9, Employment Eligibility Verification, to identify acceptable documentation for verifying work authorization, found here: <https://www.uscis.gov/sites/default/files/document/forms/i-9.pdf>. Some examples of acceptable documents include:

- An unrestricted Social Security card
- Form I-551, Permanent Resident Card (informally called a green card)
- Form I-765, Employment Authorization Document (EAD)
- A U.S. birth certificate
- A U.S. passport
- A U.S. driver's license number/government issued identification number

NOTE: Self-attestation is **NOT** an acceptable means to verify work authorization. To receive participant-level services, individuals **MUST** provide an approved document that illustrates their work authorization.

To determine which documents are issued to which categories of individuals, see the U.S. Citizenship and Immigration Services' (USCIS) Form I-9 central website: <https://www.uscis.gov/i-9-central/form-i-9-acceptable-documents/who-is-issued-this-document>.

Staff must familiarize themselves with all program services that trigger participation from TEGL 19-16, Attachment II, and ensure that the individual they are serving has had their work authorization verified **BEFORE** providing any participant-level services.

SAVE Online Service

If an individual themselves or their documentation certifies that they are a non-citizen, DOL recommends that valid work authorization and immigration status be verified through the USCIS' Systematic Alien Verification for Entitlement (SAVE). This is an online service for registered federal, state, territorial, tribal, and local government agencies to verify U.S. citizenship and immigration status, as well as to verify work authorization. As of April 2025, SAVE is free to use for state, local, tribal, and territorial government agencies.

For more information and instructions on how to register for and use SAVE services, visit the site here: <https://www.uscis.gov/save>.

In some situations, the initial, automated SAVE response may not reflect an individual's employment authorization status or may provide an unexpected response. In these situations, or if the individual requests it, staff may need to request manual SAVE verification and provide an electronic copy of the individual's immigration document.

If SAVE is not an available option to verify work authorization, the individual must provide the acceptable documentation as per the Form I-9 list of acceptable documents.

Maintenance

The document used to verify a participant's work authorization must be kept in their case file, either as a physical copy—stored in a separate, locked file cabinet—or as an electronic copy on SC Works Online Services (SCWOS). All documentation must be appropriately redacted in accordance with State Instruction 25-02, *Electronic and Physical Redactions of PII and Other Sensitive Information*.

For participant's granted temporary work authorization, staff must verify their work authorization status once every three months beginning from the date of participation. If their authorization expires or has been revoked outside of the three-month check, staff must exit the participant.

All programs must comply with the nondiscrimination provisions at Section 188 of WIOA and its implementing regulations at 29 CFR section 38, as well as those of State Instruction Letter 16-13, Change 1, *Implementation of Nondiscrimination and Equal Opportunity Requirements of the Workforce Innovation and Opportunity Act*.

Action: Please ensure that all appropriate staff receive and understand this policy.

Inquiries: Questions may be directed to WorkforcePolicy@dew.sc.gov.

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Attachment

- TEGL 19-16, Attachment II

Attachment II
Participation Level Services Chart
WIOA Title I Adult, Title I Dislocated Worker, and
Title III Employment Service Programs¹

Attachment II			
Adult/DW/ES Service Type (WIOA Sec. 134 (c))	Does this service trigger inclusion in participation?	Category of Service (i.e. Basic, Individualized, Training)	Applicable PIRL Data Element Number(s)
Eligibility Determination	No	Basic Career Service	N/A
Outreach, Intake, Orientation	No	Basic Career Service	N/A
Initial assessment of skill levels & supportive service needs	Yes	Basic Career Service	1003, 1004, 1102
Job search assistance (Self-directed)	No	Basic Career Service	N/A
Job search assistance (Staff-assisted)	Yes	Basic Career Service	1003, 1004, 1104
Placement assistance (includes “Referred to Employment”) (Staff-assisted)	Yes	Basic Career Service	1003, 1004, 1105, 1106, 1107, 1108, 1109, 1110, 1111
Career Counseling (includes “Staff-assisted career guidance”)	Yes	Basic Career Service	1003, 1004, 1102
Providing info on in-demand sectors, occupations, or nontraditional employment	No	Basic Career Service	1100, 1101
Provision of referrals and associated coordination of activities with other programs and services	No	Basic Career Service	1100, 1101, 1113, 1115
Provision of workforce and labor market employment statistics information	No	Basic Career Service	1100, 1101, 1103

¹ Note this this chart does not include all available services that may be provided, but rather those services specifically authorized under WIOA sec. 134(c)(2). Additionally, these services do not indicate whether or not an individual is a participant, but rather which services trigger an individual to become a participant.

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Adult/DW/ES Service Type (WIOA Sec. 134 (c))	Does this service trigger inclusion in participation?	Category of Service (i.e. Basic, Individualized, Training)	Applicable PIRL Data Element Number(s)
Provision of info on job vacancies	No	Basic Career Service	1100, 1101, 1103
Provision of info on job skills necessary to fill vacancies	No	Basic Career Service	1100, 1101, 1103
Provision of info on local demand occupations, with earnings, skill requirements, and opportunities for advancement for those jobs	No	Basic Career Service	1100, 1101, 1103
Provision of performance and program cost info for providers of education and training	No	Basic Career Service	1100, 1101
Provision of info on local performance	No	Basic Career Service	1100, 1101
Provision of info on availability of supportive services or assistance	No	Basic Career Service	1100, 1101
Referral to supportive services	No	Basic Career Service	1113
Provision of information and meaningful assistance filing for UI	Yes	Basic Career Service	1003,1004, 1112
Assistance establishing eligibility for financial aid	Yes	Basic Career Service	1003,1004, 1116
Comprehensive and specialized assessments	Yes	Individualized Career Service	1004, 1200, 1201
Development of IEP	Yes	Individualized Career Service	1004, 1200, 1201, 1202
Group Counseling	Yes	Individualized Career Service	1004, 1200, 1201
Individual Counseling	Yes	Individualized Career Service	1004, 1200, 1201
Career Planning	Yes	Individualized Career Service	1004, 1200, 1201

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Adult/DW/ES Service Type (WIOA Sec. 134 (c))	Does this service trigger inclusion in participation?	Category of Service (i.e. Basic, Individualized, Training)	Applicable PIRL Data Element Number(s)
Short-term prevocational services	Yes	Individualized Career Service	1004, 1200, 1201, 1210
Internships and work experiences (including transitional jobs)	Yes	Individualized Career Service	1004, 1200, 1201, 1203, 1205, 1211
Workforce preparation activities	Yes	Individualized Career Service	1004, 1200, 1201
Financial literacy services	Yes	Individualized Career Service	1004, 1200, 1201, 1206
Out-of-area job search assistance and relocation assistance	Yes	Individualized Career Service	1004, 1200, 1201
English-language acquisition and integrated education and training programs	Yes	Individualized Career Service	1004, 1200, 1201, 1207
Follow up services	n/a (must be a participant first to receive)	Follow up Service	1503
Training services under Sec. 134(c)(3)(D) with exception of Sec. 134(c)(3)(D)(iii) (incumbent worker training)	Yes	Training	1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319
Incumbent Worker Training	No ²	Training	907

*Note: Receipt of any of the three types of services (Basic, Individualized, or Training) makes an individual a “Reportable Individual” while it only takes the receipt of one service that triggers participation to be considered a participant.

² While Incumbent Worker Training is not a self-service or information-only service, individuals are not required to meet eligibility requirements for the Adult or Dislocated Worker programs to receive Incumbent Worker Training.