

Addressing Work Authorization Restrictions As Obstacles to Workforce Development Equity for Immigrant Workers

CAN YOU VERIFY?

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 CALIFORNIA IMMIGRANT POLICY CENTER

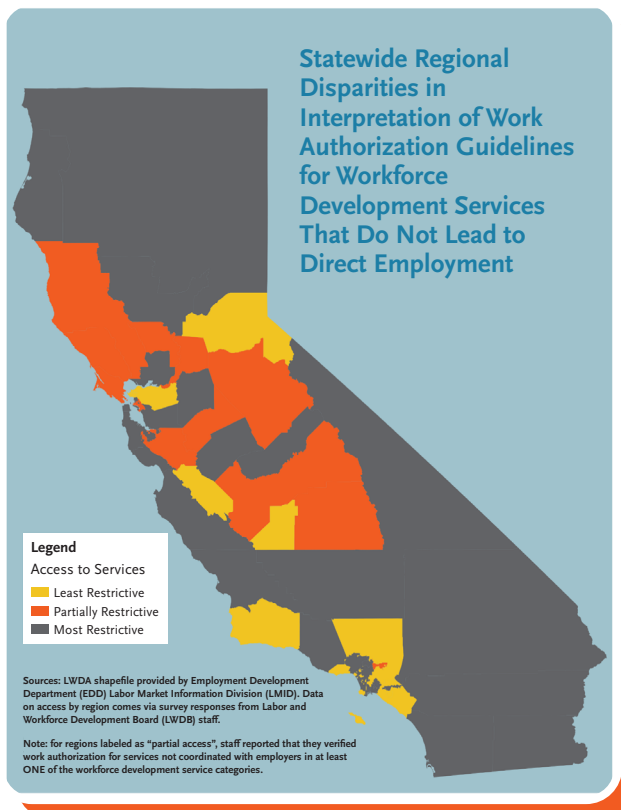


EXECUTIVE SUMMARY

Undocumented immigrant workers comprise one in sixteen of California's workforce. Many work in key, frontline industries such as agriculture, manufacturing, construction, hospitality, and care. These industries are characterized by low-wage, unstable, and exploited occupations, which immigrants are disproportionately segregated into. Workforce development—which encompasses adult education programs, job referrals, assessments, career counseling, on-the-job training, and other services—is one tool with the potential to improve job quality, and expand access to good jobs for California's workers. **However, undocumented workers are largely shut out of publicly-funded workforce development services.**

In its strategic plan, the California Workforce Development Board (CWDB), which is responsible for funding and planning for workforce services statewide, acknowledged that “workforce and education programs need to be accessible for all Californians, especially populations with barriers to employment,” and that there must be “equity in workforce development, with the aim of systematically generating greater opportunity for Californians who have been locked out of the mainstream economy.” However, federal laws include restrictive work authorization requirements that often prevent undocumented immigrant workers from obtaining traditional employment.

As a result, California's undocumented immigrant workers are excluded from accessing many publicly-funded workforce development services that are coordinated with employers, or lead to direct employment, including apprenticeships and job placements, though they are sometimes eligible for other job training and career services that are not directly tied to employment. These restrictions prevent California from reaching its aspirations around equity and inclusion for all Californians. To address this contradiction, in 2018, the State issued a policy directive clarifying the flexibility that Local Workforce Development Boards (LWDB) have to determine when to verify work authorization for certain services. These boards are central touchpoints in their communities, providing publicly-funded workforce services. However, this flexibility has been utilized inconsistently across regions. Instead of creating a consistent pattern of inclusive and minimally restrictive policies around access to services, the result is a patchwork system where immigrants' opportunity to access services depends on where they live.



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Our findings revealed that about two-thirds of local boards require work authorization in instances where they are not required to do so

This brief is the first-ever empirical analysis of the discrepancies in local workforce boards' policies and practices related to immigrant access to workforce development services.

From Summer – Fall of 2021, California Immigrant Policy Center (CIPC) staff surveyed each of the 45 local workforce development boards to better understand how they have interpreted the CWDB guidance in designing their work authorization verification policies for jobseekers and other individuals seeking services. **Our findings revealed that about two-thirds of local boards require work authorization in instances where they are not required to do so.** These findings make clear that without further State administrative action that creates definitive, inclusive policy language, varying interpretations of existing



guidelines by the local boards will continue to create regional inequities where undocumented immigrant workers' economic mobility is determined by where they live.

California has an opportunity to provide full access to the menu of workforce services to undocumented immigrant workers. Our targeted recommendations to the CWDB to remove barriers to workforce services for immigrants without work authorization are as follows:

- ▶ Update State Guidelines to Remove Work Authorization Requirements that Categorically Exclude Immigrant Workers
- ▶ Train Staff to Understand New Work Authorization Policies and Not Turn Away Immigrant Workers Without Work Authorization
- ▶ Fund Workforce Development Services and Programs that Center Equity and Inclusion
- ▶ Expand Worker and Community-Based Organization (CBO) Representation on Workforce Boards
- ▶ Analyze, Develop, and Incorporate Equity Metrics into Workforce Development Evaluations
- ▶ Support Work Models that Allow Workers Without Work Authorization to Gain Good Jobs



INTRODUCTION

In today's economy—characterized by persistent structural problems such as low wages, scheduling precarity, misclassification of work across industries, and tenuous worker safety for millions of Californians—a **good job** can determine whether or not an individual can adequately provide for themselves and their loved ones.¹ By **good jobs**, we mean work that “pays a living wage; offers a stable schedule; provides benefits such as health care, retirement, paid sick days, and paid family leave; offers wage increases as skills are acquired; provides safe and healthy working conditions; and complies with all workplace laws.”²

Millions of women, Black Americans, Latinx Americans, and immigrant workers in California are segregated into low-wage, exploitative jobs in industries such as agriculture, manufacturing, construction, hospitality, and care.³ Workers in low-road industries and occupations comprised the bulk of the 174,553 reported industrial COVID-19 cases in California.⁴ Even prior to the COVID-19 pandemic, one-fourth of the state's workforce was living at or near poverty levels according to the California Poverty Measure (CPM).⁵ Economic challenges that were prevalent before the pandemic, such as housing costs, food insecurity, and inaccessibility of healthcare, have grown worse as low-wage workers' job security and health are endangered by COVID-19. The pandemic magnified the urgency for communities bearing the brunt of racial and economic injustice to have access to **good jobs**.

WHAT IS A GOOD JOB?

There are several definitions that try to capture what constitutes a good job. This report adopts the definition used by the University of California, Berkeley Labor Center. In its research on job quality, the Labor Center outlines the following as elements of good jobs: “a good, family-supporting job pays a living wage; offers a stable schedule; provides benefits such as health care, retirement, paid sick days, and paid family leave; offers wage increases as skills are acquired; provides safe and healthy working conditions; and complies with all workplace laws (e.g., wage and hour, employee classification, health and safety, anti-discrimination, workers' compensation, and right to organize laws).”

Figure 1. Total Number of Reported COVID-19 Cases by Major Industry in CA

Industry	Total Reported Cases	Non-Citizens as a % of IND Workers ⁶
Health Care and Social Assistance	81,765	10.02%
Manufacturing	15,870	21.51%
Retail Trade	12,404	13.09%
Transportation and Warehousing	10,816	15.86%
Accommodation and Food Services	6,884	25.12%
Construction	3,000	27.65%
Wholesale Trade	2,221	19.09%
Other Services, Except Public Administration	2,293	21.48%
Agriculture, Forestry, Fishing, and Hunting	1,266	55.24%

¹ Institute for the Future (ITF), “A New Social Compact for work and workers,” California Future of Work Commission, March 2021, p.20 <https://www.labor.ca.gov/wp-content/uploads/sites/338/2021/02/ca-future-of-work-report.pdf>.

² Carol Zabin, “Putting California on the High Road: A Jobs and Climate Action Plan for 2030,” UC Berkeley Labor Center, University of California, Berkeley, September 3, 2020, <https://laborcenter.berkeley.edu/putting-california-on-the-high-road-a-jobs-and-climate-action-plan-for-2030/>

³ Jeffrey S. Passel and D'vera Cohn, “Chapter 2: Industries of Unauthorized Immigrant Workers,” Pew Research Center, Washington D.C., March 26, 2015, <https://www.pewresearch.org/hispanic/2015/03/26/chapter-2-industries-of-unauthorized-immigrant-workers/>.

⁴ California Department of Public Health, “COVID-19 Outbreaks by Month of Onset,” California Open Data Portal, Through Jan 10, 2022, <https://data.ca.gov/dataset/covid-19-outbreak-data/resource/oc503749-f1e4-4568-874e-f5e4doa6fb99>.

⁵ Sarah Bohn, Shannon McConville, Daniel Payares-Montoya, “Delivering on an Equitable Recovery for Californians - Public Policy Institute of California,” Public Policy Institute of California, San Francisco, January 27, 2022, https://www.ppic.org/blog/delivering-on-an-equitable-recovery-for-californians/?utm_source=rss&utm_medium=rss&utm_campaign=delivering-on-an-equitable-recovery-for-californians?utm_source=pic&utm_medium=email&utm_campaign=blog_subscriber.

⁶ Analysis of American Community Survey (ACS) 2015 - 2019 Five-Year Estimates, Integrated Public Use Microdata Series (IPUMS), University of Minnesota.



One tool to ensure workers get **good jobs** is workforce development services, which encompass adult education programs, job referrals, assessments, career counseling, on-the-job training, and other services to help people enter and navigate the workforce. The California Workforce Development Board (CWDB) is responsible for where, and how the majority of the state's public workforce dollars are spent. The CWDB oversees 45 Local Workforce Development Boards (LWDB) that are responsible for providing services in their respective regions. In 2021, California committed \$245 million towards workforce development services in an effort to expand access to **good jobs**.⁷ Given these significant investments, it is important to understand who has access to these services, what barriers persist, and how to ensure that all Californians can benefit in our growing and changing economy.

INTRODUCTION TO WIOA

The CWDB receives federal funding to provide services to individuals under the Workforce Innovation and Opportunity Act (WIOA). Signed in 2014, WIOA funds and monitors how state agencies provide federally-funded public workforce services, which are classified into different categories, or titles.⁸ The CWDB is responsible for California's obligations under WIOA, as well as for developing the state's WIOA implementation plan.⁹ Many services are provided through roughly 190 "one-stop shops" known as America's Job Centers of California (AJCC), which are administered by LWDBs. Under WIOA requirements, the majority of local boards' seats must be allocated to employers or business representatives, while representatives of the labor force (e.g. organized labor representatives) must occupy at least 20 percent of board seats.¹⁰ There is no requirement that community-based organizations or diverse community members are represented, and there are few accountability measures in place to ensure that community needs are aligned with employer needs.¹¹ To receive funding, every state's WIOA programming is evaluated on several performance indicators, including employment and earnings status of program participants after exiting a workforce program.

Under Section 274A (a) of the Immigration Reform and Control Act (IRCA), "[i]t is Unlawful for a person or other entity to hire, or to recruit or refer for a fee, for employment in the United States" undocumented immigrants.¹² Subsequently, employers are required to verify workers' authorization to work. With exceptions—notably independent contracting or owning a business—most jobs require workers to provide documentation, such as I-9 forms, to be considered eligible for traditional employment and benefits, including unemployment insurance.¹³ This affects millions of undocumented

Figure 2. WIOA TITLE I Funding Structure



⁷ Department of Finance, "Labor and Workforce Development," 2021, p.3, <https://www.ebudget.ca.gov/2021-22/pdf/Enacted/BudgetSummary/LaborandWorkforceDevelopment.pdf>.

⁸ David H. Bradley, "The Workforce Innovation and Opportunity Act and the One-Stop Delivery System," Congressional Research Service (CRS), Washington D.C., October 27, 2015, p.1, <https://sgp.fas.org/crs/misc/R44252.pdf>.

⁹ California Workforce Development Board (CWDB), "California's 2020-2023 Unified Strategic Workforce Development Plan," https://cwdb.ca.gov/plans_policies/2020-2023-state-plan/

¹⁰ National Skills Coalition (NSC), Side-By-Side Comparison Of Occupational Training And Adult Education & Family Literacy Provisions In The Workforce Investment Act (WIA) and the Workforce Innovation And Opportunity Act (WIOA), Washington D.C., October 2014, p.2, https://cwdb.ca.gov/wp-content/uploads/sites/43/2016/08/NSC-10_31_14-updated_WIOA-Side-by-Side.pdf

¹¹ Greg Schrock, "Connecting People and Place Prosperity: Workforce Development and Urban Planning in Scholarship and Practice," Journal of Planning Literature 2014, Vol. 29(3) 257-271, June 13, 2014, p.265, <https://doi.org/10.1177/0885412214538834>.

¹² Alan K. Simpson, "S.1200 - Immigration Reform and Control Act of 1986," Public Law 99-608, Ninety Ninth Congress of the United States of America, Government Publishing Office, November 6, 1986, p.2, <https://www.congress.gov/99/statute/STATUTE-100/STATUTE-100-Pg3445.pdf>.

¹³ U.S. Citizenship and Immigration Services, "USCIS Form I-9," Department of Homeland Security <https://www.uscis.gov/sites/default/files/document/forms/i-9-paper-version.pdf>



immigrant workers and their families who do not possess work authorization for traditional employment. The passage of IRCA has solidly racist implications—passed at a time of increased levels of immigration from Latin America—and has led to disproportionately negative socioeconomic outcomes for subsequent generations of undocumented immigrants in the United States.¹⁴ While work authorization requirements do not prevent undocumented immigrants from working, they “relegate them to various forms of contingent work” where they are “denied the bundle of rights and protections that go along with the traditional employment relationship.”¹⁵ Work authorization requirements restrict immigrants’ prospects for economic mobility.¹⁶

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All of these factors limit employment and mobility opportunities for California’s roughly two million undocumented immigrant workers, who comprise one in sixteen of California’s workforce.
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California law does not have explicit work authorization verification requirements to access public workforce services. However, federal immigration laws limit California’s ability to provide federally-funded workforce services to all Californians. As IRCA prohibits undocumented immigrant workers without work authorization from traditional employment, they are in turn categorically excluded from publicly-funded workforce services that are coordinated with employers, or lead to direct employment, such as apprenticeships and job placements. Additionally, under Section 116 of WIOA, California’s workforce system must satisfy key performance metrics in the areas of employment rates, wage earnings, and skills attainment to receive funding.¹⁷ While seemingly well-intentioned, these metrics make it even harder for local boards to expand access to workforce services. When resources and funding for workforce development are limited, the existing WIOA metrics may prevent state and local boards from prioritizing programs and services for undocumented immigrants and other marginalized communities.¹⁸ All of these factors limit employment and mobility opportunities for California’s roughly two million undocumented immigrant workers, who comprise one in sixteen of California’s workforce.¹⁹

¹⁴ Josselyn Andrea Garcia Quijano, “Workplace Discrimination and Undocumented First-Generation Latinx Immigrants,” University of Chicago, Crown Family School of Social Work, Policy, and Practice, 2020, <https://crownschool.uchicago.edu/advocates-forum-2020-workplace-discrimination-undocumented-immigrants>,

¹⁵ Geoffrey Heeren, “The Immigrant Right to Work,” University of Idaho College of Law, Moscow, 2017, p.243, https://digitalcommons.law.uidaho.edu/cgi/viewcontent.cgi?article=1397&context=faculty_scholarship.

¹⁶ Ibid.

¹⁷ Virginia Foxx, “H.R.803 - Workforce Innovation and Opportunity Act,” Public Law 113-128, One Hundred Thirteenth Congress of the United States of America, Government Publishing Office, July 22, 2014, p.47, <https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>.

¹⁸ Kevin Lee, “How California’s Workforce Development System Excludes Immigrants, Why It Matters, and What We Can Do About It,” Scholars Strategy Network, Massachusetts Institute of Technology, September 2019, p.2, <https://www.immigrationresearch.org/system/files/SSN%20Memo%20Lee%20on%20Workforce%20Development%20and%20Immigration.pdf>.

¹⁹ UC Merced Community and Labor Center, “FACT SHEET—Worker Relief: Expanding the Safety Net to Excluded Workers,” University of California, Merced, December 2021, p.1, https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/documents/fact_sheet-worker_relief-english.pdf.

²⁰ Pilipino Workers Center, “Organization Profile, LA Works, <https://www.laworks.com/organization/001A000000a9aIQIAQ>.

²¹ Aquilina Soriano, personal communication, January 29, 2022.

CASE STUDY: PILIPINO WORKERS CENTER

Worker centers have often stepped in and provided invaluable support for undocumented immigrants unable to access public workforce services. Formed in 1997, the Pilipino Workers Center (PWC) advocates for “safe working conditions, living wages, decent living conditions, access to quality healthcare and basic human dignity.”²⁰ The PWC supports workers, including immigrant workers, across a number of industries such as domestic work, residential care for the elderly, restaurants, hospitality, and personal services. Immigrant workers who come to PWC are predominantly interested in skills and trainings that give them certificates (e.g. daily living, nutrition, specialized medical care), and job placement into good jobs. Many workers that PWC supports are undocumented immigrants who do not qualify for workforce services through their LWDBs. Regarding the importance of workforce development, Executive Director Aquilina Soriano notes that “Workforce trainings that help to build the knowledge of workers... will improve the lives of their consumers as well as improve their own quality of life.” “[Care work] is one of the fastest growing jobs in the US and yet we do not have enough investment in the workforce to meet the growing need. Workforce development is one piece to this puzzle along with the fight for good working conditions and dignified wages.”²¹



To address this challenge, in 2018, the State issued a policy directive clarifying the flexibility that LWDBs have to determine when to verify work authorization for certain workforce services.²² However, this flexibility has been utilized inconsistently across regions. Instead of creating a consistent pattern of inclusive and minimally restrictive policies around access to services, the result is a patchwork system where immigrants' opportunity to access services depends on where they live.

This brief is the first-ever empirical analysis of the discrepancies in local workforce boards' policies and practices related to immigrant access to workforce development services. While various other factors – such as language and transportation – also influence access to services, this analysis focuses on work authorization verification due to its unique impact on undocumented immigrants. Work authorization also impacts many individuals who struggle to secure documentation, such as those who are unhoused or formerly incarcerated. This brief concludes with recommendations that the CWDB can implement now to advance greater equity and access to the workforce system.

KEY FINDINGS: Immigrant Workers Are Barred From Accessing Workforce Development Due To Unnecessary Work Authorization Requirements

The goal of this analysis was to understand how local workforce boards have interpreted flexible guidelines from the CWDB on work authorization verification as they deliver services to their respective communities. From Summer – Fall of 2021, the California Immigrant Policy Center (CIPC) contacted staff at each of the 45 local workforce development boards located across the state.²³ Respondents were asked to indicate if their respective boards have policies that require verification of workers' work authorization in order for them to receive workforce services, even when the federal and state governments do not mandate verification, specifically those not coordinated with employers (these are referred to in CWDB guidance as “May Verify” services). California's workforce development system offers four categories of services:²⁴

- ▶ **Self-Service Basic Career Services:** includes self-service activities such as labor market research, self-assessments, job fairs, and searching for a job on CalJOBS, the state's job search and employment services portal
- ▶ **Staff-Assisted Basic Career Services:** includes unemployment insurance assistance, and initial assessments conducted by AJCC staff on an individual's skills, education, or career objectives
- ▶ **Individualized Career Services:** includes individual or group counseling, pre-apprenticeship training, mentorship, and developing individual employment plans
- ▶ **Training Services:** includes classroom training, occupational education, and financial literacy training services

Figure 3 reflects the current CWDB guidelines on which workforce development services trigger work authorization verification requirements. Undocumented immigrant workers can access Self-Service Basic Career services without restrictions. Within the other three categories, services are segmented into two sections based on whether they trigger work authorization verification requirements. The “May Verify” text reflects services not

²² California Workforce Development Board (CWDB), “Pathway To Services, Referral, And Enrollment | WSD18-03,” Directive, August 29, 2018, https://www.edd.ca.gov/jobs_and_training/pubs/wsd18-03.pdf.

²³ Surveys were conducted over the phone with LWDB and AJCC staff. Upon explaining our requests, we were usually referred to eligibility specialists or program managers who had a deep understanding of their respective board's work authorization policies and general obligations under WIOA.

²⁴ California Workforce Development Board (CWDB), “Pathway To Services, Referral, And Enrollment | WSD18-03,” Directive, August 29, 2018, p.4, https://www.edd.ca.gov/jobs_and_training/pubs/wsd18-03.pdf.



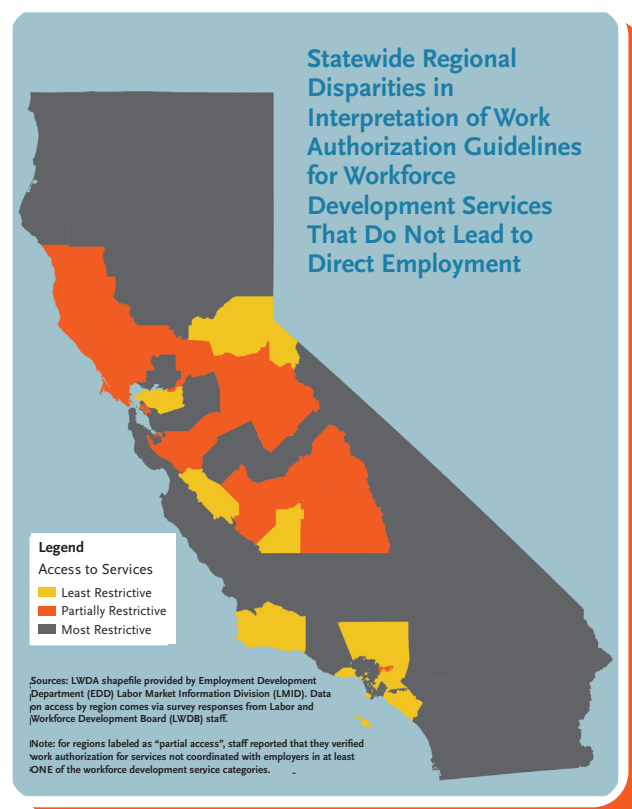
coordinated with employers (do not lead to direct employment), which LWDBs have the flexibility to determine whether or not to verify work authorization in order to access. The “Must Verify” text indicates that a service requires authorization to work in order for individuals to access.

Figure 3. Authorization to Work Service Flow Chart²⁵

Service	Triggers Participation	Authorization to Work
Basic Career - Self-service and information-only activities, including program referrals, outreach, intake, orientation, eligibility determination	No	No
Basic Career – Staff-Assisted, including initial assessment, job placement, career counseling	Yes	May verify for activities such as initial assessment and career counseling Must verify for job placement assistance
Individualized Career	Yes	May verify for activities such as occupational career counseling, aptitude testing, mentoring, and group counseling Must verify for employment activities such as work experiences, transitional jobs, internships, and pre-apprenticeship training
Training	Yes	May verify for classroom training Must verify for employment activities

At least one staff person from all 45 local workforce boards provided responses for the survey. During the survey process, CIPC asked LWDB staff about their respective board’s work authorization verification policies for services not coordinated with employers. To outline the scope of the research, CIPC staff articulated the service categories, as well as specific examples of each of those services. For further rigor, CIPC staff distinguished the services according to whether or not they trigger work authorization verification. This was done to minimize the chance that services would be miscategorized. In addition, CIPC also requested copies of memorandums or guidelines that specified local workforce boards’ individual protocols around work authorization verification. Local workforce boards that did not have their own internal policies deferred to the CWDB’s guidelines.

The data in Figure 4 represent the responses provided by local agency staff, broken down by each service category. Our findings revealed that about two-thirds of local boards require work authorization in instances where they are not required to do so. Individualized Career was the service category where the largest number of LWDBs reported that they verify work authorization. This was followed by the Training Services category, which had the second highest number of LWDBs report that they required work authorization. The Staff-Assisted, Basic Career category was associated with the smallest number of LWDBs with work authorization



²⁵ Ibid.



verification policies. The results are not uniform across the three service categories. A possible explanation is that different staff-assisted services can be interpreted differently in the context of work authorization verification triggers. In other words, some boards, or staff within the same board for that matter, may come to different conclusions on whether the same workforce service triggers work authorization verification.

Staff-Assisted Basic Career Services

Basic Career Services, such as skills and competency assessments, as well as career counseling, provide individuals with important initial information, whether they are starting a new career, or seeking to gain new skills in order to apply for a better job. According to the survey results, nearly **64%** of local workforce board staff confirmed that they verify work authorization for Staff-Assisted, Basic Career services that do not lead to direct employment.

Individualized Career Services

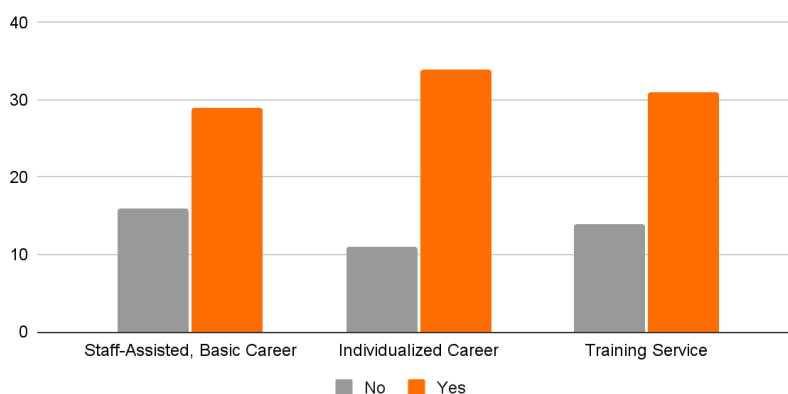
Individualized Career Services offer a more personalized, and staff-intensive level of assistance than the Staff-Assisted, Basic Career service category. Services such as occupational career counseling and mentoring offer participants education about trades and pathways to obtaining employment in specific careers. When asked whether undocumented immigrant individuals needed to provide work authorization documentation in order to receive Individualized Career services not coordinated with an employer, **76%** of local workforce board staff confirmed that they did.

Training Services

The Training Services category covers a range of services offered by local boards, including computer literacy training, English as a Second Language (ESL) programs, and more. Many of these services transitioned from in-person to virtual due to the pandemic, but some have begun to slowly return to in-person settings. When asked whether participants needed to verify that they have authorization to work in order to access classroom trainings not directly tied to employment, **69%** of LWDB staff confirmed that this was required by their board.

When responding to the survey, respondents who answered “YES” shared the rationale for why services not tied to employment triggered work authorization requirements. Several staff noted that workforce services that require public funding to be expended, such as staff hours, automatically required clients to confirm their authorization to work as a means of establishing eligibility. In addition, as previously mentioned, WIOA metrics further complicate accessibility by disincentivizing state and local boards from making public workforce programs and services accessible for communities in highest need a priority. Another reason that some workforce staff shared was that their local board was abiding by state and federal laws. Other staff shared that their local board did not have their own work authorization verification policy, and simply adopted the state’s existing guidance, unchanged.²⁶ Further, some staff shared that they did not have experience working directly with immigrant communities.

Figure 4. LWDB Work Authorization Verification Requirements for Public Workforce Services that Do Not Lead to Direct Employment (by Workforce Service Category)



²⁶ California Workforce Development Board (CWDB), “Pathway To Services, Referral, And Enrollment | WSD18-03,” Directive, August 29, 2018, p.4, https://www.edd.ca.gov/jobs_and_training/pubs/wsd18-03.pdf.



These findings make clear that without further state administrative action that creates definitive, inclusive policy language, varying interpretations of existing guidelines by the local boards will continue to create regional inequities where undocumented immigrant workers' economic mobility is determined by where they live. Addressing this issue would not require legislative action. Changes to existing guidelines fall within the CWDB's administrative purview on state workforce policy.

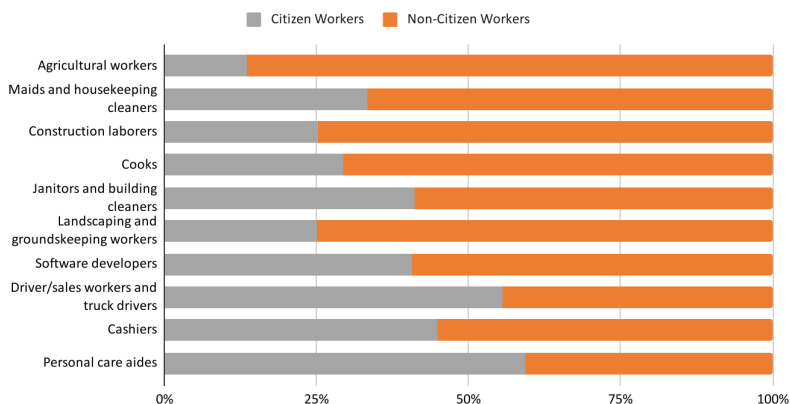
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 These findings make clear that without further state administrative action that creates definitive, inclusive policy language, varying interpretations of existing guidelines by the local boards will continue to create regional inequities where undocumented immigrant workers' economic mobility is determined by where they live.

MOVING TOWARDS A PUBLIC WORKFORCE DEVELOPMENT SYSTEM THAT WORKS FOR ALL

A public workforce development system that excludes undocumented immigrant workers is an economic injustice. California's undocumented immigrant workers have been more likely to work in low-wage, exploitative, and hazardous jobs than other demographic groups during the COVID-19 pandemic.²⁷ Immigrants in the state also make up a disproportionate number of COVID-19 victims, comprising nearly half of those who died in at least one county.²⁸ COVID-19 cases among immigrant workers are tied directly to long standing job quality and safety inequities in our economy. Making jobs better and safer, while investing in workers' education and empowerment, is critical to addressing these disparities.

California's workforce development system has an important role to play as our state seeks to create an equitable economy. Access to public workforce development services that can lead to **good jobs** has the potential to provide wage increases that can stimulate local and regional economies, in addition to preparing millions of workers for future jobs.²⁹ The data in Figure 5 highlight occupations with the highest concentration of non-citizen workers in California. Certain sectors, such as care, are poised to experience a significant growth in demand as one-fifth of Californians are projected to reach retirement age by 2060.³⁰ Other industries such as construction and health care have experienced high growth over the past decade.³¹ Workforce

Figure 5. Top 10 Non-Citizen Occupations in California
 Source: American Community Survey (ACS) 2015-2019 5-Year Estimates



²⁷ Nicole Prchal Svajlenka, "Protecting Undocumented Workers on the Pandemic's Front Lines," Center for American Progress, Washington D.C., December 2, 2020, <https://www.americanprogress.org/article/protecting-undocumented-workers-pandemics-front-lines-2/>.

²⁸ Voice of San Diego, "Morning Report: Half of All COVID Deaths Were Immigrants," San Diego, December 1, 2021, <https://www.voiceofsandiego.org/newsletters/morning-report/morning-report-half-of-all-covid-deaths-were-immigrants/>

²⁹ Angela Hanks and David Madland, "Better Training and Better Jobs", Center for American Progress, Washington D.C., February 22, 2018, <https://www.americanprogress.org/article/better-training-better-jobs/>.

³⁰ Chris Brenner and Manuel Pastor, "From Resistance To Renewal | A 12-Step Program For Innovation and Inclusion in the California Economy," USC Dornsife, Program for Regional and Environmental Equity, Los Angeles, October 2018, p. 6, https://dornsife.usc.edu/assets/sites/242/docs/CA_Economy_Full_Report_Final_web_small.pdf.

³¹ California Workforce Development Board, "Unified Strategic Workforce Development Plan | Economic and Workforce Analysis | 2020-2023", p.5, https://cwdb.ca.gov/wp-content/uploads/sites/43/2021/12/EconWkfrceAnlysis_LMID_FINAL-November-3-2021_ACCESSIBLE.pdf.



development can be a tool to create quality job opportunities within these industries, and ensure that undocumented immigrant workers have access to **good jobs**.

The State must be able to both provide the training necessary to enter **good jobs**, while strengthening workers' rights and labor enforcement so that every job can become a **good job**. Centering workers' rights in workforce development will go a long way in ensuring that workers are not simply being placed into jobs, but that their jobs and socioeconomic stability enable them to fully contribute to, and benefit from the vitality of California. Harmonizing practices and maximizing accessibility will advance equity and inclusion for workers from undocumented immigrant communities across all of California.

RECOMMENDATIONS

California's workforce development system has the potential to fully maximize the dynamism, innovation, and creativity of immigrant workers, while ensuring that they are able to live with dignity and economic stability. Giving local boards added flexibility to serve undocumented immigrants without work authorization was a promising start by the CWDB. By breaking down barriers to workforce development services, the State can honor the labor, skills, and contributions of all immigrant workers. Our targeted recommendations to the CWDB to remove barriers to workforce services for immigrants without work authorization are as follows:

- **Update State Guidelines to Remove Work Authorization Requirements that Categorically Exclude Immigrant Workers**

To the extent possible, State policy guidance should seek to maximize access to workforce services for immigrant community members and those who struggle to obtain or retain work authorization documents, such as those who are formerly incarcerated or homeless. By updating State guidelines to replace "May Verify" with more definitive, inclusive policy language such as "Shall Not Verify" or "Need Not Verify", immigrant communities will have new opportunities to access previously inaccessible workforce development services. This action would not necessitate new legislation or executive actions.

- **Train Staff to Understand New Work Authorization Policies and Not Turn Away Immigrant Workers Without Work Authorization**

Replacing "May Verify" in the State's existing guidelines will take time for local workforce board staffers to understand and implement accordingly in their respective communities. Administrative action to update existing work authorization guidelines must correspond with expanded training and education for local workforce boards. Training and technical assistance from the CWDB to local workforce boards will be necessary in order for increased workforce services to be made accessible more expeditiously.

CASE STUDY: WORKFORCE DEVELOPMENT BOARD OF CONTRA COSTA COUNTY

While progress has been uneven statewide, some local workforce boards have made strides in creating inclusive workforce service delivery systems for undocumented immigrant individuals. Contra Costa is one example of a county that has taken advantage of the CWDB's flexible guidelines to expand access to workforce development services for individuals without work authorization. In 2019, the Workforce Development Board of Contra Costa County (WDBCCC) developed its own internal work authorization verification policy in response to the CWDB's own directive.³² Significantly, Contra Costa replaced the state's "May Verify" language with "Need Not Verify" for services not restricted under federal law. This small, but important change helps to remove ambiguity about whether undocumented immigrants can access certain workforce development services.

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California's workforce development system has the potential to fully maximize the dynamism, innovation, and creativity of immigrant workers, while ensuring that they are able to live with dignity and economic stability.

³² Workforce Development Board of Contra Costa County, "WPB B01-19 | Authorization to Work Verification Requirements", Workforce Policy Bulletin, March 15, 2019.



► **Fund Workforce Development Services and Programs that Center Equity and Inclusion**

While the federal government can determine how it evaluates and funds WIOA services, the CWDB can make creative use of federal COVID-19 relief funds, infrastructure funding, and state-level investments to fund workforce development services and programs that are more inclusive of undocumented immigrant workers. Services and programs should incorporate elements of equity such as authentic community engagement, shared leadership, analysis of racial and gender disparities, and accessibility (i.e. transportation, language, scheduling). The Breaking Barriers to Employment Initiative (BBEI), which directly funds Community-Based Organizations that provide education and career services to hard-to-reach populations, is a good example of a state-funded program that incorporates equity by prioritizing communities with the highest barriers to employment, high-levels of occupational segregation, and high economic and health impacts caused by COVID-19.³³

► **Expand Worker and Community-Based Organization (CBO) Representation on Workforce Boards**

When workers and community members have less of a voice in what, how much, when, and how they receive training, they face less security and greater difficulty in accessing the training and jobs they need.³⁴ Including Community-Based Organizations, and increasing labor and worker-led representation, on state and local boards ensures that those who are on the ground can help shape services and programs that would benefit them directly, while making workforce systems and services easier to navigate and access.

► **Analyze, Develop, and Incorporate Equity Metrics into Workforce Development Evaluations**

Immigrant workforce needs are distinct from other populations and come with their own sets of barriers, including language and transportation.³⁵ Evaluations of programs and services for immigrant workers, particularly those who are undocumented, should take access barriers into account, as well as include more expansive outcomes that are responsive to the needs of immigrant workers, such as increased levels of immigrant entrepreneurship, decrease in wage disparities, reduction of workers' rights violations by employers, and career mobility.³⁶

► **Support Work Models that Allow Workers Without Work Authorization to Gain Good Jobs**

Access to workforce development services is important, but their efficacy is only as good as the outcomes they generate. To ensure that immigrant workers have the opportunity to apply what they are getting from workforce development services, whether through public or private sources, the State should research and invest in programs and work models that provide immigrant workers with good jobs, including work co-ops, self-employment, and entrepreneurship models.

³³ Eduardo Garcia, "AB-628 Breaking Barriers to Employment Initiative," California Legislative Information, 2021-2022, https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=20210220AB628

³⁴ Angela Hanks and David Madland, "Better Training and Better Jobs", Center for American Progress, Washington D.C., February 22, 2018, <https://www.americanprogress.org/article/better-training-better-jobs/>.

³⁵ While the focus of this brief is on work authorization verification as barriers for undocumented immigrants, this particular barrier exists concomitantly with other barriers such as language, transportation, and availability of touchpoints by region. These offer avenues for potential future research.

³⁶ Johanna Morariu, Anvi Mridul, and Virginia Roncaglione, "Workforce equity metrics: How workforce systems and organizations are incorporating equity into their metrics," Innovation Network, Washington, DC., July 2020, https://www.innnet.org/media/InnovationNetwork-Workforce_Equity_Metrics.pdf.



CONCLUSION

We are at a crossroads not just in California, but the entire country, where workers are building unprecedented momentum that they are leveraging to advocate for better economic and working conditions.³⁷ Good jobs are important for workers and their families to be able to prosper in a post-COVID-19 economy. Equitable and inclusive access to workforce development services is a critical first step to ensuring that communities bearing the brunt of racial and economic injustice have access to good jobs. When done right, workforce development can be a tool to advance racial, economic, and social equity, creating economic prosperity and upending the status quo of low-wage, exploitative working conditions that many undocumented immigrant workers in California find themselves in. If California is serious about building an inclusive and equitable economy, it cannot exclude undocumented immigrant workers and their loved ones. When immigrants thrive, so does the rest of California.³⁸

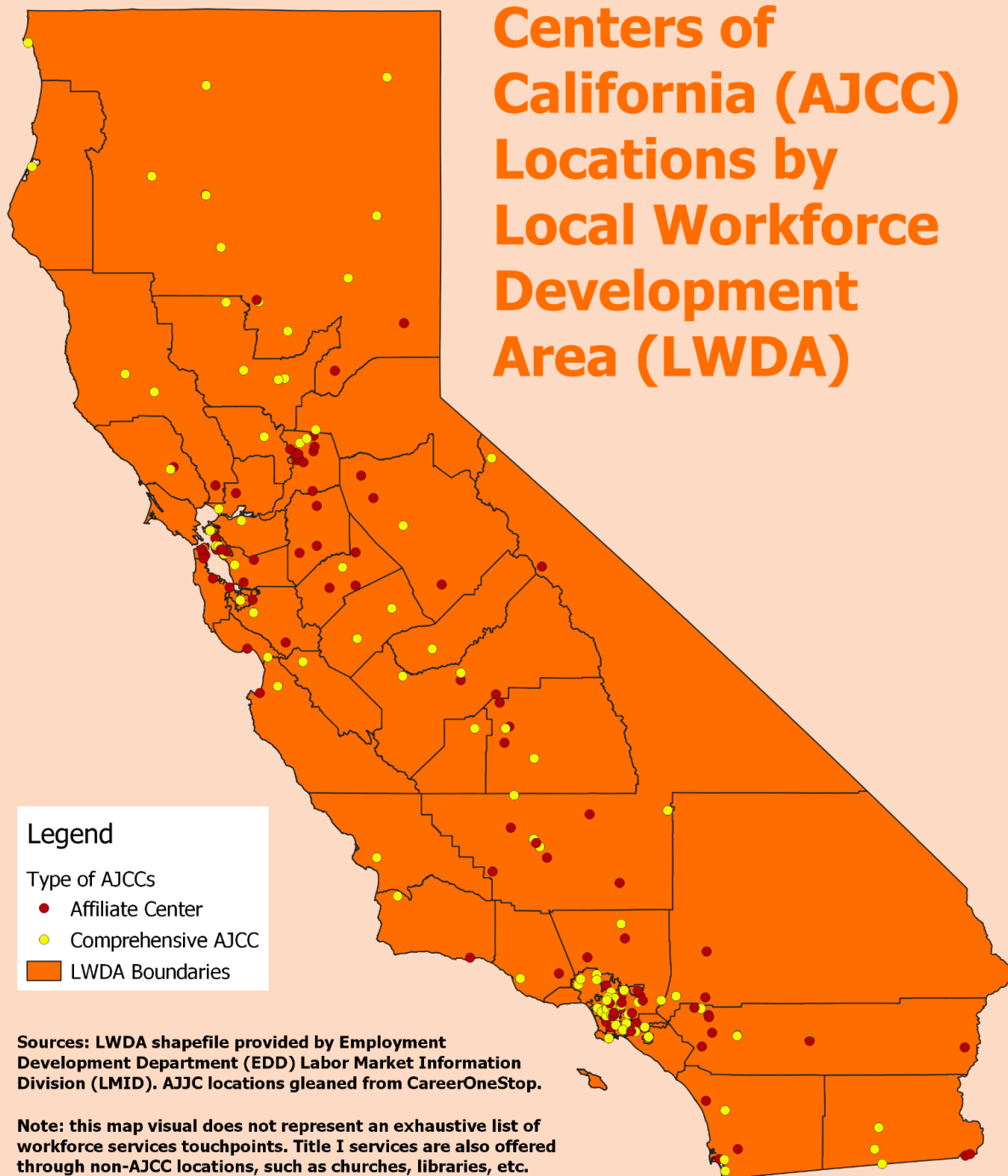
³⁷ Josh Eidelson, “American Workers Leave Jobs by the Millions, Spurring Labor Movement in 2021”, Bloomberg Businessweek, October 27, 2021, <https://www.bloomberg.com/news/features/2021-10-27/labor-shortage-2021-workers-press-for-power-as-millions-quit-jobs-across-america>.

³⁸ Thank you to those who provided invaluable insight for this report, including: Abby Snay and Javier Romero, California Labor and Workforce Development Agency; Bob Lanter and Eric Flores, California Workforce Association; Amanda Bergson-Shilcock, National Skills Coalition; Aquilina Soriano-Versoza, Pilipino Workers Center, and Jennifer Joel, Workforce Development Board of Contra Costa County, as well as all of our workforce partners who inform our recommendations. A special note of appreciation to former CIPC intern Linh Pham for her invaluable contributions to this report.



APPENDIX

America's Job Centers of California (AJCC) Locations by Local Workforce Development Area (LWDA)





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