



# Expanding Your Talent Pool: Fair Chance Hiring

## Employer Guidebook

April 2021

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## Introduction

For any company, there are a variety of factors that impact their bottom line—sales, inflation, the political climate, the economy, and even the availability of great workers.

One of the biggest challenges facing businesses is a shortage of labor. The economy is seeing record levels of job openings compared to job seekers, across many industries. That's due to a variety of factors, including the retirement of Baby Boomers as they age out of the workforce. From 2015 to 2035, the biggest group of working-age adults—those born in the U.S. whose parents were born in the U.S.—is expected to drop by 8%, or 8.2 million workers, according to PEW Research<sup>1</sup>. As part of the Toledo Regional Chamber of Commerce's talent alignment strategy, it was learned that between 2010 and 2017 23,000 jobs were created in the region. During that same time, the workforce participation decreased by 9,000 people.

A 2018 report by the Work Institute estimated that 43 million employees quit their job voluntarily in 2018, representing more than one in four employees in the workforce. They expect that number to rise even more by the end of 2020. The Institute also estimates that the average turnover costs associated with an employee leaving is 33% of their salary.<sup>2</sup>

Because of these and other factors, employers are now considering communities with potential barriers to employment that may have been looked over in the past, including those who have a criminal background.

Why should an employer consider hiring someone with a criminal background? Surveys conducted by the Chamber and other studies show that compared to the general workforce, these individuals have **lower** turnover rates, **lower** absenteeism, **higher** retention rates, and **higher** loyalty. That results in lower training and turnover costs for your business allowing your business to continue to grow and be successful.

In response to requests for assistance from members in 2017, the Toledo Regional Chamber of Commerce created the Re-Entry Development Initiative (REDI) to provide assistance in the area of fair chance hiring. The Toledo Regional Chamber of Commerce strives to make the region a preferred place for diverse talent and economic opportunity. Assisting employers by helping them to expand their potential talent is one way that we are working to achieve that goal.

This guidebook is meant to serve as a resource and not intended to provide legal advice when considering fair-chance or other hiring practices. You are encouraged to work with your legal counsel to discuss specific situations and circumstances.

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<sup>1</sup> <http://www.pewresearch.org/fact-tank/2017/03/08/immigration-projected-to-drive-growth-in-u-s-working-age-population-through-at-least-2035/>

<sup>2</sup> <http://www.workinstitute.com/retentionreport2018>

## Culture

Company culture may be the greatest indication if you are not only ready to employ an individual with a criminal background, but to also help them succeed. Here are just a few things that directly impact and build a positive employee culture:

### **Be Transparent**

Transparency is one of the best attributes that an organization can ingrain into their culture. By being transparent, an organization is promoting respect, openness and trustworthiness which is incredibly powerful when building a strong culture. A team that trusts their organization is willing to go the extra mile every single day. It's that raw, real truthfulness that we as human beings seek in all aspects of our lives – our jobs, relationships, politics, etc. In allowing your organization to be authentic and transparent, you are allowing your team to build their career on a strong foundation.

### **Don't Box Yourself in with Strict Policies**

While policies are an essential component of any organization, it's important to recognize that not all situations are black and white. There will be times where exceptions will have to be made and it is the responsibility of leadership to work with their team towards an amicable solution. If an employee is continually having the same issue (tardiness, behavioral, etc.), address them one-on-one and try to get to the root cause. Perhaps there is a solution you can help provide as an employer such as a program to assist in supporting your employee and give them a successful path. Organizations should strive to find that balance between their written policies and non-written understanding of putting their people first.

### **Don't Just Ask. Listen.**

One of the most difficult things to accomplish as a leader can be truly understanding your team and their needs. It's easy to send out a survey that asks for their thoughts, but what are you doing with the results to implement solutions? People want to be heard and understood, so take the time to focus in on what your team is trying to tell you. When you truly listen to your team and act upon their feedback, you are proving that they have a voice and a say in company outcomes. This is very powerful when building a company culture.

## Incentives and Support

There are a number of incentives and support programs available to assist employers in mitigating their risk when hiring an individual with a criminal background. Just as important, there are services made available to those individuals to help them successfully transition to a new career opportunity.

### Federal Bonding Program

The Federal Bonding Program provides important support for justice-involved individuals and other challenged job seekers, helping them secure employment and stay employed.

The Program primarily targets justice-involved individuals – people who have been previously incarcerated and are returning to the community – and other job seekers who have faced difficulties in finding employment. Bonds can be applied to any job with any employer, in any state, and covers any

employee dishonesty committed on or away from the workplace. Full- or part-time employees receiving paid wages (with Federal taxes automatically deducted from pay) can be bonded, including those hired by “temp agencies.” Bonds can also be purchased to cover already employed workers who need bonding to prevent being laid off or to secure a transfer or promotion to a different job with a current employer.

Additional information and forms are located at <http://bonds4jobs.com/>.

**Ohio Coordinator:**

Ohio Central School System  
Jeanette Woodruff, Executive Secretary  
P.O. Box 779  
London, OH 43140

Phone: 740-845-3240

Fax: 740-845-3387

Email: [Jeanette.Woodruff@odrc.state.oh.us](mailto:Jeanette.Woodruff@odrc.state.oh.us)

## Certificate of Qualification for Employment (CQE)

Senate Bill 337 became effective September 29, 2012, and created the “Certificate of Qualification for Employment” (CQE) in Ohio Revised Code 2953.25. The CQE will allow persons living in the community who have a previous felony or misdemeanor conviction to apply to the court to lift the collateral sanction that bars them from being considered for employment in a particular field.

### How does a CQE benefit employers?

1. A CQE allows an employer to hire a candidate with a criminal record who was previously excluded from consideration.
2. A CQE provides immunity to employers for negligent hiring claims - indicates employer has done full due diligence in the hiring process.
3. A CQE assures the employer that the court has made the following findings: that granting the petition will materially assist the individual in obtaining employment or occupational licensing, that the individual has a substantial need for the relief requested in order to live a law-abiding life, and that granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

### What does it mean when a person holds a CQE?

CQEs turn a mandatory rule prohibiting occupational licensure based on certain criminal convictions into a discretionary bar. This allows licensing boards and employers to individually assess the person’s fitness for the license and/or job in question. Additional information can be found on the Ohio Department of Rehabilitation & Correction’s website at <https://drc.ohio.gov/cqe>

## Work Opportunity Tax Credit

The Work Opportunity Tax Credit (WOTC) provides federal income tax credits that encourage employers to hire job seekers from defined target groups, many of which have barriers to employment.

A “qualified ex-felon” is a person hired within a year of:

- Being convicted of a felony or
- Being released from prison from the felony

The Ohio Department of Job & Family Services (ODJFS) is the designated agency responsible for administering the program. WOTC follows the rules and regulations set forth in the U.S. Department of Labor ETA (Employment, Training & Assistance) Handbook No. 408 in the validation of each request.

Applications for WOTC must be submitted within 28 days of the start-to-work date. The necessary forms for submission along with additional information regarding processing can be found on the WOTC web site at: [www.jfs.ohio.gov/wotc](http://www.jfs.ohio.gov/wotc).

The following are the current target groups: ex-felons, Veterans, 18-39 year-old Food Assistance Recipients, 18-39 year-old Empowerment Zone/Rural Renewal County Residents, 16-17 year-old Summer Youth, Vocational Rehabilitation Referrals, Supplemental Security Income (SSI) Recipients, and Long-Term Assistance Recipients).

For More Information:

Office of Workforce Development

P.O. Box 1618

Columbus, OH 43216-1618

Direct phone: (614) 644-0966

Email: [wotc\\_contact@jfs.ohio.gov](mailto:wotc_contact@jfs.ohio.gov)

- Ohio Department of Jobs & Family Services - <http://jfs.ohio.gov/wotc/Participate.stm>
- Internal Revenue Service - <https://www.irs.gov/businesses/small-businesses-self-employed/work-opportunity-tax-credit>

## Community Support Programs

### **Reentry Coalition of Northwest Ohio (RCNWO)**

A coalition of service agencies and individuals whose mission is to provide leadership, create partnerships, and promote shared accountability for successful community reentry with the goal of reducing recidivism and promoting public safety. Additional information and resources offered through the Coalition can be found at <https://www.reentry419.com/>.

### **Goodwill Industries of Northwest Ohio Re-Entry Services**

Goodwill Industries of Northwest Ohio is dedicated to providing effective, comprehensive employment services to men and women with criminal convictions. Our re-entry services provide structure and supervision to returning citizens to foster the confidence and skill building necessary for a successful transition to a stable, productive life. Additional information about re-entry services can be found at <https://www.goodwillnwohio.com/reentry-services/>

## The Ridge Project

The Ridge Project is a faith-based non-profit organization whose purpose is to build strong families. The Ridge Project offers preventative services that focus on building healthy youth leaders, intervention services that focus on equipping and empowering returning citizens with the leadership skills necessary to elevate themselves and their families, and redirection services that prepare individuals to succeed in the workplace. This is accomplished through the Ridge Project's proprietary, evidence-based TYRO programs. Through these programs The Ridge Project offers Fatherhood, Communication, Job Ethics, Leadership, Healthy Relationship, and vocational skills trainings, paired with intensive case-management. For more information on The Ridge Project visit [The Ridge Project – Building a Legacy of Strong Families](#).

## Compliance

As with other hiring decisions, there are boundaries placed on employers when hiring individuals with background. The Equal Employment Opportunity Commission and the Fair Credit Reporting Act provide resources and guidance when making hiring decisions. These resources should be utilized in order to maximize opportunities and foster an inclusive environment.

### Equal Employment Opportunity Commission (EEOC)

The EEOC has long taken the position that the use of an individual's criminal history may result in prohibited discrimination based upon race and national origin under Title VII of the Civil Rights Act of 1964. Discrimination could occur if an employer utilizes criminal conviction history against only certain individuals based on their race or national origin. However, the EEOC goes further to point out that a neutral policy of excluding certain applicants based upon criminal conviction history may also be unlawful if it results in a disparate impact on individuals protected under Title VII. Therefore, the EEOC requires employers to establish that the exclusion of individuals with criminal convictions must be job related and consistent with business necessity. Employers should conduct an individualized assessment to determine whether the conviction would be disqualifying. Employers should consider: 1) the nature and gravity of the offense or conduct; 2) the time that has passed since the offense, conduct, and/or completion of the sentence; and 3) the nature of the job held or sought. The EEOC guidance states that conducting an individualized assessment will reduce the likelihood disparate impact discrimination will occur. More information regarding the EEOC Enforcement Guidance can be found at [www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm).

### Fair Credit Reporting Act (FCRA)

The Fair Credit Reporting Act requires employers who use third-party service providers (consumer reporting agencies or background checking companies) to conduct criminal background checks or credit checks on applicants or current employees to follow a strict procedures of providing notice, disclosure, and consent by the applicant/employee prior to taking any adverse action against the applicant/employee. Employers utilizing third party service providers to conduct criminal or credit background checks should be careful to utilize the forms provided by the Federal Trade Commission and/or the third party service provide to ensure compliance. Employers must obtain the consent of the applicant/employer prior to

running the background check and then if the background check reveals information that disqualifies the applicant/employee from employment, employers must follow the procedure to provide a pre-adverse action notice and an adverse action notice. The employee also has the right to a copy of the results of the background check and instructions on how to contest the information with the third-party service provider. More information regarding the requirements of the FCRA can be found at [www.ftc.gov](http://www.ftc.gov).

## Negligent Hiring

Ohio law allows an individual to hold an employer or company responsible for the actions of its employees under a legal principle called *respondeat superior*, which essentially means “employer liability for employee actions.”

It is important to note that there is no absolute freedom from risk of liability. Employers need to make informed judgement calls about hiring.

What types of roles are generally considered to be high risk for negligent hiring:

1. Jobs with access to valuables
  - Cash or property that can easily be converted to cash
  - Property that can easily be stolen
  - Property belonging to third-parties such as co-employees or customers
2. Jobs with unaccompanied access to vulnerable populations
  - Minors, elderly, women, hospital patients and other who have reduced ability to protect themselves physically
  - Under circumstances where others are not likely to provide protection, such as in a customer’s home
3. Jobs that require the use of dangerous implements
  - The job involves the use of firearms, knives or other items that are clearly capable of causing serious injuries if not handled correctly
4. Jobs that require the operation of a motor vehicle
  - This includes indoor vehicles and other vehicles for which no drivers’ license is required
5. Jobs that involve liquor
  - This includes bars and other establishments with easy access to liquor

## Acknowledgments

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Stephen Spolar, Block Communications  
Steve Stockdale, Block Communications  
Robert Napierala, True Label, Inc.

If you are interested in participating in the Chamber's REDI initiatives, please contact the Toledo Regional Chamber of Commerce at 419-243-8191.

## Additional Resources

US Department of Labor

*U.S. Department of Labor ETA (Employment, Training & Assistance) Handbook No. 408*

[https://www.doleta.gov/business/incentives/opptax/docs/ETA\\_Handbook\\_408\\_Nov\\_2002\\_3rd\\_Edition.pdf](https://www.doleta.gov/business/incentives/opptax/docs/ETA_Handbook_408_Nov_2002_3rd_Edition.pdf)

EEOC

*Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.*

[https://www.eeoc.gov/laws/guidance/upload/arrest\\_conviction.pdf](https://www.eeoc.gov/laws/guidance/upload/arrest_conviction.pdf)

Fair Credit Reporting Act text

[https://www.ftc.gov/system/files/545a\\_fair-credit-reporting-act-0918.pdf](https://www.ftc.gov/system/files/545a_fair-credit-reporting-act-0918.pdf)

## Appendix

1. Department of Labor – Work Opportunity Tax Form
2. IRS Pre-Screening Notice and Certification Request for the Work Opportunity Credit Form and Instructions



1. Control No. (For Agency use only)	<b>APPLICANT INFORMATION</b> (See instructions on reverse)	2. Date Received (For Agency Use only)
<b>EMPLOYER INFORMATION</b>		
3. Employer Name	4. Employer Address and Telephone	5. Employer Federal ID Number (EIN)
<b>APPLICANT INFORMATION</b>		
6. Applicant Name (Last, First, MI)	7. Social Security Number	8. Have you worked for this employer before? Yes ___ No ___  If YES, enter last date of employment: _____
<b>APPLICANT CHARACTERISTICS FOR WOTC TARGET GROUP CERTIFICATION</b>		
9. Employment Start Date	10. Starting Wage	11. Position
12. Are you at least age 16, but under age 40? If YES, enter your <i>date of birth</i> _____	Yes ___ No ___	
13. Are you a Veteran of the U.S. Armed Forces? If NO, go to Box 14. If YES, are you a member of a family that received Supplemental Nutrition Assistance Program (SNAP) benefits (Food Stamps) for at least 3 months during the 15 months before you were hired? If YES, enter name of <i>primary recipient</i> _____ and <i>city and state</i> where benefits were received _____. OR, are you a veteran entitled to compensation for a service-connected disability? If YES, were you discharged or released from active duty within a year before you were hired? OR, were you unemployed for a combined period of at least 6 months (whether or not consecutive) during the year before you were hired?	Yes ___ No ___  Yes ___ No ___  Yes ___ No ___  Yes ___ No ___	
14. Are you a member of a family that received Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamps) benefits for the 6 months before you were hired? OR, received SNAP benefits for at least a 3-month period within the last 5 months But you are no longer receiving them? If YES to either question, enter name of <i>primary recipient</i> _____ and <i>city</i> _____ And <i>state</i> where benefits were received _____.	Yes ___ No ___  Yes ___ No ___	
15. Were you referred to an employer by a Vocational Rehabilitation Agency approved by a State? OR, by an Employment Network under the Ticket to Work Program? OR, by the Department of Veterans Affairs?	Yes ___ No ___ Yes ___ No ___ Yes ___ No ___	
16. Are you a member of a family that received TANF assistance for at least the last 18 months		

before you were hired?	Yes ___ No ___	
<b>OR</b> , are you a member of a family that received TANF benefits for <b>any</b> 18 months beginning after August 5, 1997, and the earliest 18-month period beginning after August 5, 1997, ended within 2 years before you were hired?	Yes ___ No ___	
<b>OR</b> , did your family stop being eligible for TANF assistance within 2 years before you were hired because a Federal or state law limited the maximum time those payments could be made?	Yes ___ No ___	
<b>If NO</b> , are you a member of a family that received TANF assistance for any 9 months during the 18-month period before you were hired?	Yes ___ No ___	
<b>If YES, to any question</b> , enter name of <i>primary recipient</i> _____ and the <i>city and state</i> where benefits were received _____		
17. Were you convicted of a felony or released from prison after a felony conviction during the year before you were hired?	Yes ___ No ___	
<b>If YES</b> , enter <i>date of conviction</i> _____ and <i>date of release</i> _____.		
<b>Was</b> this a Federal _____ or a State conviction _____ ? (Check one)		
18. Do you live in an Empowerment Zone or Rural Renewal County (RRC)?	Yes ___ No ___	
19. Do you live in an Empowerment Zone and are at least age 16, but not yet 18, on your hiring date?	Yes ___ No ___	
20. Did you receive Supplemental Security Income (SSI) benefits for any month ending within 60 days before you were hired?	Yes ___ No ___	
21. Are you a veteran unemployed for a combined period of at least 6 months (whether or not consecutive) during the year before you were hired?	Yes ___ No ___	
22. Are you a veteran unemployed for a combined period of at least 4 weeks but less than 6 months (whether or not consecutive) during the year before you were hired?	Yes ___ No ___	
23. Are you an individual who is or was in a period of unemployment that is at least 27 consecutive weeks and for all or part of that period you received unemployment compensation?	Yes ___ No ___	
<b>If YES</b> , what state did you receive unemployment compensation in? _____ (Enter state where UI compensation was received)		
24. <b>Sources used to document eligibility:</b> ( <b>Employers/Consultants:</b> List all documentation provided or forthcoming. <b>For SWA Staff:</b> List all documentation used in determining target group eligibility and enter your initials and date when the determination was made.)		
<b>I certify that this information is true and correct to the best of my knowledge. I understand that the information above may be subject to verification.</b>		
25(a). Signature: (See instructions in Box 25.(b) for who signs this signature block)	25.(b) Indicate with a ✓ mark who signed this form: <input type="checkbox"/> Employer, <input type="checkbox"/> Consultant, <input type="checkbox"/> SWA, <input type="checkbox"/> Participating Agency, <input type="checkbox"/> Applicant, or <input type="checkbox"/> Parent/Guardian (if applicant is a minor)	26. Date:

**INSTRUCTIONS FOR COMPLETING THE INDIVIDUAL CHARACTERISTICS FORM (ICF), ETA 9061.** This form is used together with IRS Form 8850 to help state workforce agencies (SWAs) determine eligibility for the Work Opportunity Tax Credit (WOTC) Program. The form may be completed, on behalf of the applicant, by: 1) the employer or employer representative, the SWA, a participating agency, or 2) the applicant directly (if a minor, the parent or guardian must sign the form) and signed (Box 25a.) by the individual completing the form. This form is required to be used, without modification, by all employers (or their representatives) seeking WOTC certification. Boxes 1 and 2. **SWA.** For agency use only.

Boxes 3-5. **Employer Information.** Enter the name, address including ZIP code, telephone number, and employer Federal ID number (EIN) of the employer requesting the certification for the WOTC. Do not enter information pertaining to the employer's representative, if any.

Boxes 6-11. **Applicant Information.** Enter the applicant's name and social security number as they appear on the applicant's social security card. In Box 8, indicate whether the applicant previously worked for the employer, and if Yes, enter the last date or approximate last date of employment. This information will help the "48-hour" reviewer to, early in the verification process, eliminate requests for former employees and to issue denials to these type of requests, or certifications in the case of "qualifying rehires" during valid "breaks in employment" (see pages III-12 and III-13, Nov. 2002, Third Ed., ETA Handbook 408) during the first year of employment.

Boxes 12-23. **Applicant Characteristics.** Read questions carefully, answer each question, and provide additional information where requested.

*The Protecting Americans from Tax Hikes Act of 2015 retroactively reauthorized current target groups for a 5-year period, January 1, 2015 through December 31, 2019, and extended the Empowerment Zones designations for a two-year period, January 1, 2015 through December 31, 2016. The Act introduced a new target group, Qualified Long-term Unemployment Recipient (LTUR), for new hires that begin to work for an employer on or after January 1, 2016 – December 31, 2019, see Box 23. For guidance see IRS Relief Period in TEGL No. TEGL 25-15 and IRS Notice 2016-22 and 2016-40.*

Box 24 **Sources to Document Eligibility.** The applicant or employer is requested to provide documentary evidence to substantiate the **YES answers** in Boxes 12 - 23. List or describe the documentary evidence that is attached to the ICF or that will be provided to the SWA. Indicate in parentheses next to each document listed whether it is attached (A) or forthcoming (F). Some examples of acceptable documentation are provided below. A letter from the agency that administers a program may be furnished specifically addressing the question to which the applicant answered YES. For example, if an applicant answers YES to either question in Box 14 and enters the name of the primary recipient and the city and state in which the benefits were received, the applicant could provide a letter from the appropriate SNAP (formerly Food Stamp) agency stating to whom SNAP benefits were paid, the months for which they were paid, and the names of the individuals included on the grant for each month. SWAs use this box to list the sources used to verify target group eligibility, followed with their initials and the date the determination was completed.

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**Description of Examples of Documentary Evidence and Collateral Contacts. Employers/Consultants:** You may check with your SWA to find out what other sources you can use to prove target group eligibility. (You are encouraged to provide copies of documentation or names of collateral contacts for each question for which you answered **YES**.)

#### **QUESTION 12**

- Birth Certificate or Copy of Hospital Record
- Driver's License
- School I.D. Card<sup>1</sup>
- Work Permit<sup>1</sup>
- Federal/State/Local Gov't I.D.<sup>1</sup>

#### **QUESTION 13**

- DD-214 or Discharge Papers
- Reserve Unit Contacts
- Letter of Separation or other agency documents issued only by the Department of Veterans Affairs (DVA) on DVA Letterhead certifying the Veteran has a service-connected disability and signed by the individual who verified this information.

#### **QUESTIONS 14 & 16**

- TANF/SNAP (Food Stamp) Benefit History or Case Number Identifier
- Signed statement from Authorized Individual with a specific description of the months benefits that were received

#### **QUESTION 15**

- Vocational Rehabilitation Agency Contact
- Veterans Administration for Disabled Veterans
- Signed letter of separation or related document from authorized Individual on DVA letter head or agency stamp with specific description of months benefits were received.
- **For SWAs:** To determine *Ticket Holder* (TH) eligibility, Fax page 1 of Form 8850 to MAXIMUS at: 703-683-1051 to verify if applicant: 1) is a TH, and 2) has an Individual Work Plan from an Employment Network.

### **QUESTION 17**

- Parole Officer's Name or Statement
- Correction Institution Records
- Court Records Extracts

### **QUESTION 18 & 19**

- To determine if a Designated Community Resident lives in a RRC, visit the site: [www.usps.com](http://www.usps.com). **Click on Find Zip Code; Enter & Submit Address/Zip Code; Click on Mailing Industry Information; Download and Print the Information**, then compare the county of the address to the list in the January 2012 Instructions to IRS 8850.
- To determine if the DCR or a Summer Youth lives in an Empowerment Zone, use the Empowerment Zones (EZ) Locator Address Lookup tool available on the WOTC site: <https://www.doleta.gov/business/incentives/opptax/resources>.

### **QUESTION 20**

- SSI Record or Authorization
- SSI Contact
- Evidence of SSI Benefits

### **QUESTIONS 21, 22**

- Unemployment Insurance (UI) Claims Records
- UI Wage Records

### **QUESTION 23**

- UI Wage Records
- UI Claims Records
- Self-Attestation Form, ETA Form 9175

### **QUESTION 24**

- **Employers/Representatives:** List All sources used and provided to the SWA to document target group eligibility. **SWA Staff:** List all documentation used to determine/verify eligibility in the target group requested by the employer/rep., to reach the final determination.

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#### **Notes:**

1. Where a Federal/State/Local Gov't., School I.D. Card, or Work Permit does not contain age or birth date, another valid document must be obtained to verify an individual's age.
2. ESPL No. 05-98, dated 3/18/98, officially rescinded the authority to use Form I-9 as proof of age and residence. **Therefore, the I-9 is no longer a valid piece of documentary evidence.**

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Box 25.(a) **Signature.** The person who completes the form signs the signature block.

Box 25(b) **Signature Options.** (a) Employer or Authorized Representative, (b) SWA staff, (c) Participating Agency staff, or (d) Applicant (If applicant is a minor, the parent or guardian must sign).

Box 26. **Date.** Enter the month, day and year when the form was completed.

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Persons are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. Respondent's obligation to reply to these questions is required to obtain and retain benefits per law 104-188. Public reporting burden for this collection of information is estimated to average 20 minutes per response including the time for reading instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing burden to the U.S. Department of Labor, Employment and Training Administration, Division of National Programs, Tools, and Technical Assistance, 200 Constitution Ave., NW, Room C-4510, Washington, D.C. 20210 (Paperwork Reduction Project Control No. 1205-0371).

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..... ✂  
(Cut along dotted line and keep in your files)

TO: THE JOB APPLICANT OR EMPLOYEE,

**Privacy Act Statement:** *The Internal Revenue Code of 1986, Section 51, as amended and its enacting legislation, P.L. 104-188, specify that the State Workforce Agencies are the "designated" agencies responsible for administering the WOTC certification procedures of this program. The information you have provided completing this form will be disclosed by your employer to the State Workforce Agency. Provision of this information is voluntary. However, the information is required for your employer to receive the federal tax credit. IF THE INFORMATION YOU PROVIDE IS ABOUT A MEMBER OF YOUR FAMILY, YOU SHOULD PROVIDE HIM/HER A COPY OF THIS NOTICE.*