



RIVERSIDE COUNTY
WORKFORCE DEVELOPMENT BOARD

Selective Service Registration
POLICY

Date: May 2, 2016

Number: 19-17

PURPOSE:

To provide guidance for verifying Selective Service compliance for participation in Workforce Innovation and Opportunity Act (WIOA) Title I Adult programs.

EFFECTIVE DATE:

Upon Release

REFERENCES:

[WIOA Section 189\(H\)](#)

Title 50 United States Code Appendix 453 (Military Selective Service Act)

[Title 20 Code of Federal Regulations Section 683.225](#)

U.S. Department of Labor Training and Employment Guidance

Letter [TEGL No. 11-11, Change 2](#)

[EDD Workforce Services Directive WSD15-06](#)

LOCALLY IMPOSED

REQUIREMENTS:

N/A

BACKGROUND:

Males who are subject to, and have complied with, the registration requirements of the Military Selective Service Act are eligible for participation in WIOA funded program and services. Section 189(h) of the WIOA Act requires the Secretary of Labor to ensure that each individual participating in any WIOA program or receiving any assistance under the Act has not violated the requirement of Section 3 of the Military Selective Service Act. All Local Workforce Development Boards as recipients of Workforce Innovation and Opportunity Act funds are charged with ensuring Selective Service compliance in the public workforce system.

POLICY:

Selective Service Registration must be verified prior to enrolling a male 18 years of age and older, and born on or after January 1, 1960 into a WIOA-funded program. This requirement is not applicable to programs funded or authorized solely by the Wagner-Peyser Act.

I. Selective Service Registration Requirements

Males born on or after January 1, 1960, are required to register with the Selective Service within 30 days of their 18th birthday and up to, but not including their 26th birthday.

This includes males who are:

- U.S. citizens.
- Non-citizens, including undocumented immigrants, legal permanent residents, seasonal agricultural workers, and refugees who take up residency prior to their 26th birthday
- Dual nationals of the U.S. and another country, regardless of whether they live in the U.S.
- Veterans discharged before their 26th birthday
- Males who are released prior to their 26th birthday from a hospital, institution, or prison/jail must register within 30 days after being released

Selective service registration is NOT required for the following categories:

- Males who are serving in the military on full-time active duty
- Males attending the service academies
- Disabled males who were continually limited to a residence, hospital or institution
- Males who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement
- Male veterans discharged after their 26th birthday.

Selective Service registration is not required for the following male non-U.S. citizens:

- Non-U.S. males who entered the U.S. for the first time after their 26th birthday.

Acceptable forms of supporting documentation include the following:

- Date of entry stamp in passport
- I-94 with date of entry stamp on it.
- Letter from U.S. Citizenship and Immigration Services indicating the date the male entered the U.S. presented in conjunction with documentation establishing the male's age.
- Non-U.S. males who entered the U.S. illegally after their 26th birthday. They must provide proof that they were not living in the U.S. from age 18 through 25.
- Non-U.S. males on a valid non-immigrant visa.

Note: The requirement for transgendered, intersex, and transsexual individuals to register depends upon the gender recorded on their birth certificate. According to the Selective Service website, "Individuals who are born female and have a gender change are not required to register. However, U.S. citizens or immigrants who are born male and have a gender change are still required to register."

II. Acceptable Documentation

In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirements.

Acceptable documentation to determine a person's eligibility for WIOA Title 1 programs include:

- Selective Services Acknowledgement letter
- DD-214 "Report of Separation" (use only if veteran was discharged after his 26th birthday)
- Screen printout of Selective Service Verification site:
<https://www.sss.gov>. For males who already registered, this website can be used to confirm the Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
- Selective Service Registration Card
- Selective Service Verification Form (Form 3A).
- Stamped Post Office Receipt of Registration

If registration compliance cannot be documented through the above procedures, staff must adhere to the following guidelines:

III. Registration Requirement for Males Under 26

Before being enrolled in WIOA-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov. If a male turns 18 while participating in WIOA-funded services, registration must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA-funded services. If a male under the age of 26 refuses to register with Selective Service, WIOA-funded services must be suspended until he registers.

IV. Non-Registration by Males 26 and Over

Before enrolling in WIOA-funded services, all males 26 and older must provide either:

- Documentation showing they were not required to register; or
- If they were required to register, documentation establishing that their failure to register was not knowing or willful.

Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed in the "Acceptable Documentation" section of this policy must obtain a Status Information Letter from the Selective Service indicating whether they are required to register. The Request for the Status Information Letter form can be accessed at <https://www.sss.gov/Forms> and the instructions can be accessed at www.sss.gov/PDFs/instructions.pdf. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g. hospitalization, incarceration, or military service) and provide documentation of those circumstances.

For those males that failed to register with the Selective Service, staff may initiate the process to determine if the potential participant's failure was knowing and willful without first requesting a Status Information Letter. However, a customer must provide his Status Information Letter before enrollment can be completed.

V. Status Information Letter

If the Status Information Letter indicates that he was not required to register for the Selective Service, then he can enroll in WIOA-funded services and activities. If the Status Information Letter indicates he was required to register and did not register, he is presumed to be disqualified from WIOA-funded activities and services until it can be determined that his failure to register was not

knowing and willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

VI. Determining “Knowing and Willful” Failure to Register

If a male was required but failed to register with the Selective Service, as determined by the Status Information Letter or by his own acknowledgement, he may only receive services if he establishes by a preponderance of evidence that his failure to register was not knowing and willful. The grantee, subgrantee, or contractor that enrolls individuals in WIOA-funded activities, and is thereby authorized to approve the use of WIOA grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

Documentation

Evidence presented may include the individual’s written explanation and supporting documentation of his circumstances at the time of the required registration and the reason(s) for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making determination of these cases:

- Served in the Armed Forces – Evidence that a male has served honorably in the U.S. Armed Forces, such as a Form DD-214 or his Honorable Discharge Certificate. These documents serve as evidence that his failure to register was not knowing and willful.
- Third Party Affidavits - Affidavits from teachers, employers, doctors, and others may help grantees in making a determination regarding willful and knowing failure to register.

Model Questions

The following questions should be considered when determining whether a failure to register is knowing and willful.

In determining whether the failure was “knowing” consider:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g. veterans who were discharged before their 26th birthday were occasionally told that they did no need to register)?
- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at the address and did not receive a response?

In determining whether the failure was “willful” consider:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether or not to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

An individual’s claim of ignorance (e.g. “I did not know...”) regarding Selective Service registration

requirements is not sufficient enough evidence to make a determination if his failure was knowing and willful.

VII. Results of Findings

If the applicant establishes by a preponderance of the evidence that the failure to register was not knowing and willful and the individual is otherwise eligible, services may be provided. However, if the applicant does not present evidence to meet the preponderance standard then WIOA services must be denied. Applicants who are denied services must be advised of the available WIOA grievance procedures as described in forms SPDU 448-05 Part A and SPDU 448-05 Part B (Formal Grievance Notification.)

VIII. Males Who Become 18 year of Age While Participating in WIOA Youth Programs

Males who turn 18 while participating in WIOA Youth Program must be registered with Selective Services no later than 30 calendar days after their 18th birthday. WIOA Youth Service Providers will ensure that participant registers online at www.sss.gov. If a male between the ages 18 through 26 refuses to register with the selective services, WIOA title I funded services must be suspended until he registers. If the youth has not received services within 30 days prior and/or 30 day after his 18th birthday, service providers must exit the participant by the 60th day past the 18th birthday due to lack of participation and/or inability to contact participant.

Verification of application for and registration shall be placed in the participant file by the youth provider. Should the participant fail to be registered within the specified time frame, he must be exited from the WIOA program. Costs may be incurred for a participating male past his 18th birthday until he is registered for Selective Service.

PROCEDURES: N/A

REVISION HISTORY:

Revision Dates: 5/2/2016, 01/08/13, 04/26/12, 07/30/08, 07/10/08, 08/02/06,
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