

Region 4 Workforce Development Board
Selective Service Registration and WIOA service

PURPOSE: To provide Region 4 guidance to ensure Selective Service Compliance for the provision of WIOA services.

REFERENCES: DWD Memorandum Interim Guidance on Eligibility and Data Validation, Except Youth and Adult Education, TEGL 11-11, Change 2

Applicable Programs and Services. All programs and services funded under Title I of WIOA must comply with Selective Service registration requirements.

Selective Service Registration Requirements.

Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days before or 30 days after their birthday.) This includes males who are:

- Citizens of the U.S.;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and/or
- Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Men who are serving in the military on full-time active duty;
- Men attending the service academies;
- Disabled men who are continually confined to a residence, hospital or institution; and/or
- Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

For non-U.S. citizens, Selective Service registration is not required for women or for men that fall within one of the following categories:

- Non-U.S. male who came into this country for the first time after his 26th birthday. Acceptable forms of supporting documentation include:
 1. Date of entry stamp in his passport;
 2. I-94 with date of entry stamp on it; or
 3. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age
 - Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25
 - Non-U.S. male on a valid non-immigrant visa
 4. Transgender
 - Individuals who are born female and have changed their gender to male.

This list is not intended to be exhaustive. The Selective Service System also provides a quick reference chart showing who must register located at <http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>.

Ensuring Selective Service Compliance in the Public Workforce System. In order to participate in any Individualized Career Services or training program under WIOA, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to determine a person's Selective Service registration status includes:

- Selective Service Acknowledgement letter;
- Form DD-214 "Report of Separation";
- **Screen printout** of the Selective Service Verification site: www.sss.gov/RegVer/wfVerification.aspx. Be certain to **scan the printout into the ICC record**. For males who have already registered, this website can be used to **confirm their 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); and/or
- Stamped Post Office Receipt of Registration.

Registration Requirements for Males Under 26

Before being enrolled in WIOA Title I-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 any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I-funded services. *If a man under the age of 26 refuses to register with the Selective Service, WIOA Title I-funded services must be suspended until he registers.*

Registration Requirements for Males 26 Years and Over

Before enrolling in WIOA Title I-funded services, all males, 26 years of age or older, must provide (1) documentation of compliance with the Selective Service registration requirement; (2) documentation showing they were not required to register; or (3) if they were required to but did not register, documentation establishing that their failure to register was not knowing and willful.

The service provider that enrolls individuals in WIOA Title I-funded activities may require that males 26 years and over, who failed to comply with the Selective Service registration requirement, request a Status Information Letter before making a determination that the failure to register was knowing and willful.

Requesting a Status Information Letter. An individual may obtain a *Status Information Letter* from Selective Service if he (1) believes he was not required to register; or (2) did register but cannot provide any of the documentation listed above. The *Request for Status Information Letter* form can be accessed at <http://www.sss.gov/PDFs/infoform.pdf> and the instructions can be accessed at <http://www.sss.gov/PDFs/instructions.pdf>. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, and/or military service from age 18 through 25.) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

If the *Status Information Letter* indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in services authorized or funded by Title I of WIOA.

If the Status Information Letter indicates that the individual was required to and did not register, he is presumed to be disqualified from participation in WIOA Title I-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.

Determining Knowing and Willful Failure to Register. If the individual was required but failed to register with the Selective Service as determined by the *Status Information Letter* or *by his own acknowledgment*, the individual may only receive services if he can establish by a preponderance of the evidence that the failure to register was not knowing and willful. **Upon receipt of the Status Information Letter**, the service provider that enrolls individuals in WIOA Title I-funded activities is responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons 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 a determination in these cases:

1. Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to grantees in making determinations in cases regarding willful and knowing failure to register.

In order to establish consistency regarding the implementation of the requirement, the Service Provider should consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was "**knowing**," the Service Provider organization should 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 not 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 that address and did not receive a response?

In determining whether the failure was "**willful**," the Service Provider organization should 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?

If the Service Provider organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the Service Provider organization determines that evidence shows that the individual's failure to register was 'knowing and/or willful', WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Service Providers must keep documentation related to evidence presented in determinations related to Selective Service and all denials and supporting statements must be sent to the One Stop Operator.

Effective date: July 2018

WorkOne West Central
Supplement to Status Information Letter
Failure to Selective Service Register – Not Knowingly or Willfully Refused

I, _____, am not Selective Service registered. I am completing the Selective Service Status Information letter and herein offer evidence that the failure to register was not knowing or willful.

NOT KNOWING

Did you know you were required to register? Yes_____ No_____

If you knew about this requirement, but were Misinformed about this applying to you (e.g, veteran discharged after age 26)? Yes_____ No_____

When did you learn you were required to register? Date _____

Where did you live between ages of 18 & 25? _____

Does Status Information Letter indicate Selective Service sent letter(s) to individual at that address and applicant did not receive a response? Yes_____ No_____

NOT WILLFUL

Was the failure to register done deliberately and intentionally? Yes_____ No_____

Did you have the mental capacity to choose whether or not and decided not to register? Yes_____ No_____

What actions, if any, have you taken when you Learned of the requirement to register? _____

Documentation offered to support the above statements: _____

Applicant's Name _____

Date _____

WorkOne Staff Member _____

Date _____

**WorkOne West Central
Selective Service – Not Required to Register**

I, _____, am not Selective Service registered and not required to be registered due to the following circumstances:

U.S. Citizen

I am currently serving in the military on full-time activity duty. Yes _____

I am a student at one of the US service academies.
Name the academy: _____ Yes _____

I was disabled and continually confined to a residence, hospital, or institution between the ages of 18 and 26.
Actual ages of confinement: _____ Yes _____

I was hospitalized, institutionalized, or incarcerated between ages of 18 and 26.
Actual ages of confinement: _____ Yes _____

Non-U.S. Citizen

I entered this country for the first time after my 26th birthday. Yes _____
Documentation: (circle one)
Date of entry stamp in passport, or
I-94 with date of entry stamp, or
Letter from US Citizenship and Immigration Services indicating the date the man entered the United States with documentation of his age

I entered the U.S. illegally after my 26th birthday.
Must prove he was not living in U.S. from age 18 to 25. Yes _____

I am in U.S. on valid non-immigrant visa
Diplomatic or consular personnel & families, student visa,
Tourists with unexpired Form I-94, Border Crossing
Document DSP-150, or special agricultural workers (I-688A) Yes _____

Documentation provided (copied and to be part of record): _____

Application Name

Date

WorkOne Staff Member

Date