

SELECTIVE SERVICE REGISTRATION POLICY

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EXECUTIVE SUMMARY:

Purpose:

This document establishes the policy of the Workforce Development Board of Madera County regarding the Selective Service registration requirements for participants in Workforce Investment and Opportunity Act (WIOA) funded programs and services. In addition, this policy contains guidance to assist local WIOA program staff in determining whether a failure to register by a current or potential WIOA participant was knowing and willful. Finally, this document establishes that all local organizations funded by WIOA Title I must establish a policy and procedure for potential male participants 26 or older who failed to register with Selective Service, as required.

Scope:

This policy applies to all organizations receiving WIOA Title I funding through the Workforce Development Board of Madera County.

Effective Date:

This policy is effective immediately upon the date of approval by the Workforce Development Board and is retroactive to the date of publication of EDD Directive WSD16-18 on April 10, 2017

REFERENCES:

- EDD Directive WSD15-06
- WIOA (Public Law 113-128) Section 189(h)
- Title 50 United States Code (U.S.C.) Appendix 453
- Title 20 Code of Federal Regulations (CFR) Section 683.225
- Training and Employment Guidance Letter (TEGL) 11-11, Change 2.

STATE-IMPOSED REQUIREMENTS:

This policy contains no State-imposed requirements.

FILING INSTRUCTIONS:

Retain this policy until further notice.

BACKGROUND:

Males who are subject to the registration requirements of Military Selective Service Act (MSSA) must have complied with these requirements to be eligible for participation in WIOA-funded programs and services. Under WIOA Section 189(h), the U.S. Secretary of Labor is required to ensure that each individual who participates in a WIOA program, or received any assistance under WIOA Title I, has not violated Section 3 of the MSSA. This section requires that every male citizen and every other male residing in the United States must register with Selective Service between their 18th and 26th birthday.

This guidance is being update to clarify acceptable forms of documentation when determining whether an individual's failure to register with the Selective Service was knowing and willful.

POLICY AND PROCEDURES:

All programs and services established or receiving assistance under WIOA Title I must comply with the Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the Department of Labor (DOL). They do not apply to programs funded or solely authorized by the Wagner-Peyser Act.

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
- Veterans discharged before their 26th birthday.
- Non-citizens, including undocumented immigrants, legal permanent residents, and refugees who take up residency in the U.S. prior to their 26th birthday.
- 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 male falls within one of 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; however, they must register within 30 days after being released if they have not yet reached their 26th birthday; and/or

- Male veterans discharged after their 26th birthday.

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

- Non-U.S. males who entered the U.S. for the first time after their 26th birthday. Acceptable forms of 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 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 he was 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 transsexual, transgendered, and intersex individuals to register with the Selective Service 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. U.S. citizens or immigrants who are born male and have a gender change are still required to register."

This list of Selective Service registration requirements is not exhaustive. Additional information regarding these requirements can be found on the Selective Service website at www.sss.gov. This website also provides a quick reference chart listing who must register.

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 I programs include the following:

- Selective Service Acknowledgement letter.
- Report of Separation form (DD-214). This should only be used if the veteran was discharged after his 26th birthday.
- Screen printout from the Selective Service Verification website. For males who 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).
- Stamped post office receipt of registration.

Registration Requirements 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. If a male turns 18 while participating in WIOA-funded services, registration with Selective Service 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.

Non-Registration by Males 26 and Older

Subrecipients or contractors who receive WIOA Title I funding must establish a policy for those potential participants who are 26 or older that failed to register with the Selective Service. This policy may either request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register or initiate the process to determine if the potential participant's failure was knowing and willful without first requesting a Status Information Letter.

Before enrolling in WIOA-funded services, all males 26 and older must provide one of the following:

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

Status Information Letter

An individual may obtain a Status Information Letter from the Selective Service if one of the following applies:

- The individual believes he was not required to register.
- The individual did register but cannot provide the appropriate documentation.

The Status Information Letter Request form and instructions can be accessed through the Selective Service website. If an individual decides to request a Status Information Letter, they 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. 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 for enroll in a WIOA-funded service. If the Status Information Letter indicates that the individual was required to register and did not register, he is presumed to be disqualified from participation in 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.

How to Determine “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 acknowledgement, the individual may only receive services if he establishes that the failure to register was not knowing and willful. The subrecipient 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 a determination in these cases:

- Service in 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 concerning reasons for not registering from parents, teachers, employers, doctors and others may help subrecipients or contractors in making a determination regarding knowing and willful failure to register.
- ***Self-Attestation – Signed statement that explains why the individual's failure to register was not knowing and willful.***

****Please note, self-attestation may serve as sufficient evidence when other options of documentation or third-party corroboration are not available. For a self-attestation statement template please see Attachment 1.***

Model Questions

In order to establish consistency regarding the implementation of the requirement, subrecipients or contractors should use the following questions as a model for determining whether a failure to register is knowing and willful.

To determine whether the failure was “knowing,” authorized organizations should ask the following:

- 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?

To determine whether the failure was “willful,” authorized organizations should ask the following:

- Was the failure to register done deliberately or 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?

Results of Findings

If an authorized organization determines that an individual’s failure to register with the Selective Service was not knowing and willful and the individual is otherwise eligible, services may be provided. However, if the authorized organization determines that evidence shows that the individual’s failure to register was knowing and willful, WIOA services must be denied. Individuals who are denied services must be advised of available grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations on Selective Service.

ACTION:

Bring this policy to the attention of all affected Madera County Local Workforce Development Area staff and all WIOA-funded Service Providers.

INQUIRIES:

If you have questions, please contact the Executive Director or designee at (559) 662-4500.