

WORKFORCE INVESTMENT BOARD OF TULARE COUNTY WORKFORCE INNOVATION AND OPPORTUNITY ACT TITLE I	DATE: September 13, 2017
	SUBJECT: Selective Service Registration

WIB DIRECTIVE

APPROVED BY
 WORKFORCE INVESTMENT BOARD
MINUTES OF 09-13-2017

TUL 17-03

TO: WIB STAFF AND WIB SERVICE PROVIDERS

SUBJECT: SELECTIVE SERVICE REGISTRATION

PURPOSE

This policy provides the guidance and establishes the procedures regarding Selective Service registration requirements for participation in *Workforce Innovation and Opportunity Act* (WIOA) Title I funded services.

SCOPE

This policy applies to all subrecipients (i.e. WIB) or contractors funded or authorized by WIOA Title I.

EFFECTIVE DATE

This directive is effective on the date of issuance.

REFERENCES

- WIOA (Public Law 113-128) Section 189 (H)
- Title 50 United State Code “Military Selective Service Act, “ Appendix 453
- Training and Employment Guidance Letter (TEGL) 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Administration Funded Programs (May 16, 2012)
- TEGL 8-98, Selective Service Registration (November 4, 1998)
- WSD16-18, Selective Service Registration (April 10, 2017)

FILING INSTRUCTIONS

This guidance is being reissued to clarify acceptable forms of documentation when determining whether an individual’s failure to register was knowing and willful. This policy supersedes WIB Directive TUL 15-06 dated January 27, 2016. Retain this directive until further notice.

(WIB)—IMPOSED REQUIREMENTS

This directive contains some WIB-Imposed requirements. These requirements are indicated by ***bold, italic type***.

BACKGROUND

Males who are subject to the registration requirements of the *Military Selective Service Act* 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 participating in a WIOA program, or receiving any assistance under WIOA Title I, has not violated Section 3 of the *Military Selective Service Act*. This section requires that every male residing in the United States (citizen or non-citizen) must register with Selective Service between their 18th and 26th birthday.

This guidance is being reissued 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 the following males:

- U.S. citizens
- Veterans discharged before their 26th birthday
- Non-U.S. 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.

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

- 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
- Male veterans discharged after their 26th birthday

Selective Service registration is not required for the following 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 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 they were not living in the U.S. from age 18 through 25.
- Non-U.S. Males on a valid non-immigration visa

*Note that 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."

The above list of Selective Service registration requirements is not exhaustive. Additional information regarding these requirements, including a [Quick Reference Chart](#) showing who must register, can be found on the Selective Service website.

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 acknowledgment letter
- Report of Separation form (Form DD-214). Should be used only if veteran was discharged after his 26th birthday
- Screen printout of the [Selective Service Verification](#) site. 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 (i.e. WIB) 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 years of age and older, must provide either:

- 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 to 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 by a preponderance of the evidence that the failure to register was not knowing and willful. The subrecipient (i.e. WIB) 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 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 concerning reasons for not registering from parents, teachers, employers, doctors and others may help grantees in making a determination regarding willful and knowing 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 of this directive.*

Model Questions

In order to establish consistency regarding the implementation of the requirement, the following will be used as a model for determining whether a failure to register is knowing and willful.

To determine whether the failure was “knowing,” 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 the address and did not receive a response?

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

- 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?

LOCAL POLICY

The Selective Service Status Information Letter

Upon request of the applicant, Selective Service will forward a Status Information Letter (SIL) directly to the applicant. If the individual was required to register and did not do so, the WIB will request a copy of the SIL for review, along with supporting documentation to determine if the failure to register with Selective Service was knowing or willful.

Service in Armed Forces. A male provides evidence that he served honorably in the U.S. Armed Forces by submitting a copy of his DD-214 attesting to his service, or a copy of his Honorable Discharge Certificate. Such documents may be considered prima facie evidence that his failure to register with the Selective Service System was not willful or knowing.

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.

The WIB Administrator or designee shall make the final determination of whether an applicant’s failure to register with Selective Service was “knowing and willful”.

ACTION:

Please bring this directive to the attention of all WIB Service Providers and WIB Staff.

INQUIRIES:

Please direct inquiries regarding this directive to the Workforce Investment Board at (559) 713-5200.

Adam Peck



Executive Director

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ATTACHMENTS

1. Self-Attestation Statement Template
2. Summary of Comments
3. Who Must Register Chart

**Selective Service Failure to Register
Self-Attestation Statement**

I, _____, have been informed that the law required me to register for the United States Selective Service. I have been told that my statement must be made freely and voluntarily. I am willing to make such a statement.

I was born on _____ and I am now _____ years old.

I first became aware of my duty to register with the United States Selective Service System on the following date:

Month/Day/Year

I first became aware of my duty to register with the United States Selective Service System under the following circumstances:

While I was between the ages of 18 and 26, I lived in the following country:

I make the following statement:

____ Yes ____ No

I did not register for the Selective Service because I did not know I was supposed to register with the Selective Service System at any time while I was between the ages of 18 years old and 26 years old.

____ Yes ____ No

Had I known I was supposed to register with the Selective Service System while I was between the ages of 18 years old and 26 years old, I would have registered.

____ Yes ____ No

I have been served with a notice from the Selective Service System that they intend to prosecute me for my failure to register.

Signature

Date

SUMMARY OF COMMENTS

Draft Directive *Selective Service Registration (WSDD-159)*

There were four comments to the draft version of this directive:

Comment #1 – Some of those who fall under the required to register for selective service category in the directive may not have a valid social security number. How will these individuals meet the requirement to register for selective service without this documentation?

Resolution – The [Selective Service Website](#) states that if an individual has a social security number, they are required to provide it. [50 U.S.C. App. 453(b); 32 CFR 1615.4(a)]. However, an individual is not required to have a social security number to register with Selective Service. More information can be found by visiting the Selective Service [FAQs](#) page.

Comment #2 – Could the passage of Assembly Bill (AB) 2532, which eliminated the state requirement to verify an individual's authorization to work prior to receiving employment and training services, create some contradiction between state law and federal requirements for selective service registration?

Resolution – AB 2532 removed the state-imposed requirement that entities that provide employment services verify an individual's authorization to work prior to providing employment services. A subrecipient or contractor verifying selective service documents does not equate to verifying employment authorization. The acceptable selective service registration documentation to determine a person's eligibility for *Workforce Innovation and Opportunity Act* Title I programs is not included on any of the documents required for employment authorization on the U.S. Citizenship and Immigration Services I-9 form.

Comment #3 – What would constitute valid documentation from a male who entered the U.S. illegally after their 26th birthday and is therefore not required to register.

Resolution – If an individual entered the U.S. illegally after his 26th birthday, he would need to provide a [Status Information Letter](#) from Selective Service indicating that he was not required to register. The individual would need to provide documentation to Selective Service that shows he was not living in the U.S. between the ages of 18 and 25. Examples of documentation include medical records, work records, school records, a bill, etc. The individual should contact Selective Service directly with questions on the type of documentation that must be provided as Selective Service is the entity responsible for approving that information.

Comment #4 – The last statement of Attachment 1 is confusing because the opening part of the statement as currently written, "I have not been served..." could lead to an accidental negative response due to the inclusion of the word, "not." The recommendation is to remove "not" from the beginning of the statement in order to eliminate any ambiguity.

Resolution – The word "not" has been removed from the last statement of Attachment 1.

Selective Service - Who Must Register

NOTE: With only a few exceptions, the registration requirement applies to all male U.S. citizens and male immigrants residing in the United States who are 18 through 25 years of age.

Category	YES	NO
All male U.S. citizens born after Dec. 31, 1959, who are 18 but not yet 26 years old, except as noted below:	X	
Military Related		
Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes)		X*
Cadets and Midshipmen at Service Academies or Coast Guard Academy		X*
Cadets at the Merchant Marine Academy	X	
Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University		X*
ROTC Students	X	
National Guardsmen and Reservists not on active duty / Civil Air Patrol members	X	
Delayed Entry Program enlistees	X	
Separatees from Active Military Service, separated for any reason before age 26	X*	
Men rejected for enlistment for any reason before age 26	X	
Immigrants**		
Lawful non-immigrants on current non-immigrant visas. A complete list of acceptable documentation for exemption may be found at https://www.sss.gov/Portals/0/PDFs/DocumentationList.pdf .		X
Permanent resident immigrants (USCIS Form I-551)	X	
Seasonal agricultural workers (H-2A Visa)		X
Refugee, parolee, and asylee immigrants	X	
Undocumented immigrants	X	
Dual national U.S. citizens	X	
Confined		
Incarcerated, or hospitalized, or institutionalized for medical reasons		X*
Handicapped physically or mentally		
Able to function in public with or without assistance	X	
Continually confined to a residence, hospital, or institution		X
Transgender People		
U.S. citizens or immigrants who are born male and have changed their gender to female	X	
Individuals who are born female and have changed their gender to male		X

*Must register within 30 days of release unless already age 26.

NOTE: To be fully exempt you must have been on active duty or confined continuously from age 18 to 26.

**Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States or reside in the U.S. for at least one year. Habitual residence is presumed and registration is required whenever a national or a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau, resides in the U.S. for more than one year in any status, except when the individual resides in the U.S. as an employee of the government of his homeland; or as a student who entered the U.S. for the purpose of full-time studies, as long as such person maintains that status.

NOTE: Immigrants who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old, were never required to register. Also, immigrants born before 1960, who did not enter the United States or maintain their lawful non-immigrant status by continually remaining on a valid visa until after March 29, 1975, were never required to register.

