



**Program Notice: PN-04**

**Subject: Selective Service Registration Requirements**

**Effective: 06/14/2017**

**Background**

All male applicants who were born on or after January 1, 1960 must be registered with the Selective Service before they can access WIOA Title I program services. WIOA staff should inform male applicants who have not yet turned 26 of their registration requirements. Staff can assist applicants with registration by visiting <http://www.sss.gov>. If the applicant is under 26 and refuses to register, they are ineligible for WIOA Title I program services

Training and Employment Guidance Letter [TEGL 11-11, Change 2](#) clarifies that contractors funded or authorized by Title I of WIOA must follow this program notice for potential participants who are males 26 years old or older that failed to register with the Selective Service. WIOA staff must request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register

**Selective Service Registration Requirements**

Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18<sup>th</sup> 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 26<sup>th</sup> 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 26<sup>th</sup> birthday.

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

- Non-U.S. male who came into this country for the first time after his 26<sup>th</sup> birthday. Every effort must be made to obtain supporting documentation including:
  1. Date of entry stamp in his passport; or

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 26<sup>th</sup> birthday. Every effort must be made to obtain supporting documentation to prove that he was not living in the U.S. from age 18 through 25.
  - Non-U.S. male on a valid non-immigrant visa.

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the registration requirements at [www.sss.gov](http://www.sss.gov). 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 a program established by or receiving assistance under Title I of 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: [www.sss.gov/RegVer/wfVerification.aspx](http://www.sss.gov/RegVer/wfVerification.aspx). 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.

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.

### **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 in Section 3. 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. The WIOA contractor 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 staff in making determinations in cases regarding willful and knowing failure to register.

In order to establish consistency regarding the implementation of the requirement, if an applicant is not registered, the contractor should consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was “**knowing**”, the authorized organization should consider:

1. Was the individual aware of the requirement to register?
2. Does the individual know the military registration requirements in the U.S.?
3. If the individual knew about the requirement to register, was he misinformed of the applicability of the requirement to him (e.g., veterans who were discharged before their 26<sup>th</sup> birthday were occasionally told that they did not need to register)?
4. On which date did the individual first learn that he was required to register?
5. Where did the individual live when he was between the ages of 18 and 26?
6. What was he doing (did he attend school, drop-out of school, graduate from school, working, migrating, monolingual, living in monolingual household, etc.) and what was his legal status when he was between the ages of 18 and 25?
7. If appropriate, when and where did he complete his legalization documents and was military registration a part of the process?
8. Ask the client any other questions, which will help him explain and clarify his situation.
9. 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 authorized organization should consider:

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

**Include these questions and applicant answers along with the Selective Service Waiver as part of the individual's intake.**

If WIOA staff determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. The applicant must complete the Selective Service Waiver

and attach any evidence. If the applicant writes the statement in Spanish, the staff person translating the statement must sign on the interviewer signature line.

If WIOA staff determines that evidence shows that the individual's failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. All documentation related to evidence presented in determinations related to Selective Service must be uploaded into the state Management Information System, Efforts to Outcome (ETO). All Selective Service Waivers will be reviewed and approved by the WIOA Programs Manager.



## Selective Service Waiver

Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

All male applicants who were born on or after January 1, 1960 must be registered with the Selective Service **before** they can access WIOA Title I program services. (TEGL 11-11, change 2).

In determining whether the failure was **"knowing"**, the following questions should be answered if appropriate and attach any evidence to support your statement.

1. Were you aware of the requirement to register?
2. Did you know the military registration requirements in the U.S.?
3. If you knew about the requirement to register, were you misinformed about the applicability of the requirement to you (e.g., veterans who were discharged before their 26<sup>th</sup> birthday were occasionally told that they did not need to register)?
4. On what date did you first learn that you were required to register?
5. Where did you live when you were between the ages of 18 and 25?
6. What was your legal status when you were between the ages of 18 and 25?
7. Does your status information letter indicate that Selective Service sent letters to your address and they did not receive a response?
8. Provide details to the questions below when you were between the ages of 18 and 25:
  - Did you attend school?
    - Did you drop-out of school?
    - Did you graduate from school?
  - Were you working?
    - Were you working as a seasonal farmworker?
  - Were you monolingual when you entered the U.S.?
    - Are you still monolingual?
    - Were you living in monolingual household?

Interviewer:

In determining whether the failure was **"willful"**, the following question should be answered if appropriate:

1. Was the applicant aware of Selective Service, however, decided not to register?
2. Did he have Selective Service information on whether or not to register and decided not to register?
3. What actions, if any, did he take when he learned of the requirement to register?

The applicant's statement should reflect the answers to the questions above when considering whether or not the failure to register was knowing and willful. If the failure to register was not knowing and willful and the individual is otherwise eligible under WIOA Title 1, services may be provided. The applicant must complete the Selective Service Waiver and attach any evidence. If the applicant writes the statement in Spanish, the staff person translating the statement must sign the translation where the form asks for the applicant signature.

[illegible]

- ☐ **Eligible:** I have evaluated the **evidence presented** by the applicant and determined that the applicant's failure to register was not knowing and willful.
- ☐ **Not Eligible:** I have evaluated the **evidence presented** by the applicant and determined that the applicant's failure to register was knowing and willful. The applicant has been determined ineligible for WIOA Title I services and has been provided with Complaint and Grievance Procedures and the ineligible determination has been case noted in the ETO Case Management System.