



# IMPERIAL COUNTY WORKFORCE DEVELOPMENT BOARD

2799 S. Fourth Street - El Centro, CA 92243 - Tel: (442) 265-4974 - Fax: (760) 337-5005

POLICY	ORIGINAL DATE	LAST REVISION
SELECTIVE SERVICE REGISTRATION POLICY	FISCAL YEAR 2015-2016	February 27, 2019

## **POLICY OVERVIEW:**

The purpose of this policy is to provide guidance and criteria to be used by the Imperial County Workforce Development Board (ICWDB), the Imperial County Workforce and Economic Development Office (ICWED), America's Job Center of California (AJCC) staff, and Workforce Innovation and Opportunity Act (WIOA) Title I funded service providers regarding Selective Service registration requirements for participation in Workforce Innovation and Opportunity Act (WIOA) Title I funded services.

## **REFERENCE:**

- WIOA (Public Law 113-128) Section 189(h)
- Title 50 United States Code "Military Selective Service Act," Appendix 453,
- Title 20 Code of Federal Regulations "WIOA, Notice of Proposed Rule Making," Section 683.225
- 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)
- EDD Directive WSD16-18 Selective Service Registration

## **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.

## **POLICY AND PROCEDURES:**

### **The 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 26<sup>th</sup> birthday.
- Non U.S. citizens, including undocumented immigrants, legal permanent residents, seasonal agricultural workers, and refugees who take up residency in the U.S. prior to their 26th birthday;

*This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

- 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 26<sup>th</sup> 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 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-immigrant 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 <https://www.sss.gov/>

### 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 requirement.

Acceptable documentation to determine a person's eligibility for WIOA Title I programs includes the following:

- Selective Service acknowledgement letter.
- Report of Separation Form (Form DD-214). Should be used only if the 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

*This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

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](http://www.sss.gov). 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 Over**

Before enrolling in WIOA-funded services, all males 26 years of age 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 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 that the failure to register was not knowing and willful.* In Imperial County, the AJCC 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. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
- Third Party Affidavits—Affidavits from parents, teachers, employers, doctors and others

*This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

concerning reasons for not registering may help in making determinations in cases 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. (See ATTACHMENT A)**

**\*Please note, self- attestation may serve as sufficient evidence when other options of documentation or third party corroboration are not available.**

#### **Model Questions**

To determine whether the failure was “knowing,” AJCC’s 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,” AJCC personnel should ask the following:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether 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 AJCC’s determine 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 AJCC’s determine 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.*** AJCC’s must keep documentation related to evidence presented in determinations on Selective Service.

#### **MONITORING:**

ICWDO is responsible for ensuring oversight of the WIOA Title I funded programs. Monitoring shall ensure federal/state and local policies and regulations are being met by all parties.

#### **ACTION:**

Please bring this policy to the attention of ICWDB, AJCC system staff and appropriate WIOA funded service providers and sub-recipients. This policy is effective immediately. All submitted forms are live documents and subject to change according to local, State, and Federal needs. Once the forms and exhibits pertaining to this policy are approved by the ICWDB, they will not require board approval if other changes occur, unless the change affects protocols. Should you have any questions, please feel free to contact ICWDB staff at (442) 265-4974, (442) 265-4959, (442) 265- 4955 or the Program and Compliance Manager (442) 265-4963.

#### **ATTACHMENT:**

Attachment I: Selective Service Failure to Register\_Self-Attestation Statement

*This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

**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

*This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*