

**ACTION BULLETIN**

**TO:** All Workforce Innovation and Opportunity Act (WIOA) Funded Service Providers

**DATE:** June 23, 2021

**SUBJ:** **Selective Service Registration and Verification Policy**

**PURPOSE OF BULLETIN:**

This bulletin provides guidance and establishes the procedures regarding Selective Service registration requirements for participation receiving Workforce Innovation and Opportunity Act (WIOA) Title I funded services. This policy applies to all subrecipients or contractors funded or authorized by WIOA Title I and is effective on July 1, 2021.

**CITATIONS:**

- WIOA (Public Law 113-128) Section 189(h)
- Title 50 United States 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)
- Employment Development Department (EDD) Workforce Services Directive (WSD) 16-18 – Selective Service Registration, issued April 10, 2017

**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 18<sup>th</sup> and 26<sup>th</sup> birthdays.

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 or willful.

## **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 18<sup>th</sup> birthday and up to, but not including, their 26<sup>th</sup> 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, and refugees, who take up residency in the U.S. prior to their 26<sup>th</sup> 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 26<sup>th</sup> 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 26<sup>th</sup> 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 (USCIS) 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 26<sup>th</sup> 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 requirements.

Acceptable documentation to determine a person's compliance with the requirement to register with Selective Service includes the following:

- Selective Service acknowledgement letter
- Report of Separation form (Form DD-214). Should be used only if veteran was discharged after his 26<sup>th</sup> 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 AGE 26 :**

Before being enrolled in WIOA-funded services, all individuals born male who are not registered with the Selective Service System and have not reached their 26<sup>th</sup> birthday must register through the Selective Service website. If a male reaches age 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.

**ACWDB requires** that male applicants who have not yet reached age 18, complete a Selective Service Declaration of Intent to Register form. (Attachment 2 to this bulletin). Upon attainment of his 18<sup>th</sup> birthday, either the applicant or an authorized representative (as is permitted through the Intent to Register form) shall register on his behalf.

### **NON-REGISTRATION BY MALES AGE 26 AND OLDER:**

Potential participants who are 26 or older that failed to register with the Selective Service System may either:

- (1) request a Status Information Letter (SIL) from a potential participant before making a determination of knowing and willful failure to register, or
- (2) initiate the process to determine if the potential participant's failure to register was knowing and willful without first requesting a SIL.

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.

**ACWDB requires** that the applicant request a SIL from the Selective Service Administration and complete ACWDB's Selective Service Non-Compliance Affidavit to assist staff in making a determination of whether the applicant's failure to register was knowing or willful.

ACWDB will allow a participant to initiate WIOA enrollment and receive WIOA-funded career services if a review of the Selective Service Non-Compliance Affidavit results in a preliminary

determination that the applicant's failure to register with Selective Service was not knowing or willful. However, the applicant/participant will be required to submit a copy of the SIL for review upon receipt of that letter. Review of the SIL may result in:

- Allowance for the participant to continue to receive WIOA-funded services; or
- A requirement to suspend all WIOA-funded services – and close the participant case

Depending upon the narrative contained within the SIL.

### Status Information Letter (SIL)

An individual may obtain a SIL 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 SIL Request form and instructions can be accessed through the Selective Service website. If an individual decides to request a SIL, 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 SIL 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 SIL 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 Selective Service, as determined by the SIL 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. However, ACWDB staff are available to provide support and assistance to ensure service provision decisions are in compliance with federal, state, and local requirements.

### 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 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.

**APPLICABILITY ACROSS FUNDING STREAMS:**

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 Employment and Training Administration under WIOA.

**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 regarding Selective Service compliance.

**ACTION:**

All ACWDB WIOA service providers must immediately adopt and enact the policies and procedures as outlined in this Action Bulletin.

*Any discrepancies arising between this policy/procedure and federal or state provisions (due to future revisions) will default to the current minimum federal and state regulations and guidance available.*

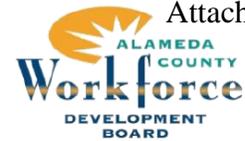
**For information and inquiries please contact:**

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**ATTACHMENTS:**

1. Selective Service Non-Compliance Affidavit
2. Selective Service Declaration of Intent to Register

# Selective Service Non-Compliance Affidavit – CSP



- 1) Between the ages of 18 and 26, were you aware that males born on or after January 1, 1960 were required to register for Selective Service on or near their 18th birthday?  YES  NO

If not, please provide your best explanation as to why you were not made aware of this requirement:

\_\_\_\_\_

- 2) Are you a U. S. born citizen?  YES  NO If 'NO', when did you enter the U.S.? \_\_\_\_\_

- 3) Is English your second language?  YES  NO

- 4) Where did you live when you were 18 years old (address)?

\_\_\_\_\_

- 5) On or around your 18th birthday, did you receive a notice in the mail explaining your requirement to register for selective service?  YES  NO

- 6) Have you ever served in the U. S. Military?  YES  NO If 'YES', answer questions:  
 (A) Branch: \_\_\_\_\_ (B) Honorable or Dishonorable \_\_\_\_\_ (C) Discharge Date: \_\_\_\_\_

- 7) Did you deliberately, intentionally, knowingly or willfully fail to comply with the requirement to register?  YES  NO

Additional Explanations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### WIOA APPLICANT:

I, the undersigned, do hereby declare under penalty of perjury that the information provided above is true, complete and accurate based upon my personal knowledge of the subject matter. Further, I understand that if any of this information is subsequently found to be false, that I may be held liable for expenses incurred on my behalf through services I received under WIOA.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### WIOA INTAKE INTERVIEWER:

By executing my signature below, I attest that I have, to the best of my ability, ensured that this customer understands the intent and purpose of this document. I have requested and received adequate documentation to corroborate the applicant's statements and responses to the questions above. Based on the applicant's responses and the documentation presented, I feel confident in my determination that this applicant did not knowingly, willfully, deliberately or intentionally fail to comply with the law requiring him to register for Selective Service between his 18th and 26th birthdays.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### SITE MANAGER/LEAD:

By executing my signature below, I attest that I have reviewed this document and all supportive documentation presented by this applicant - and that I believe the Intake Interviewer (as referenced above) has performed his/her due diligence in requesting, receiving, and reviewing all documents presented. Additionally, I concur with the Intake Interviewer's determination that the applicant referenced above has not knowingly, willfully, deliberately or intentionally failed to comply with the law requiring him to register for Selective Service between his 18th and 26th birthdays.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

