



**WDB**

Workforce Development Board

Burlington

# BURLINGTON COUNTY WORKFORCE DEVELOPMENT BOARD SELECTIVE SERVICE REGISTRATION POLICY

**DATE: June 9, 2022**

## **PURPOSE**

The Burlington County Workforce Development Board, as the Governor’s chosen administrative entity for the Workforce Innovation and Opportunity Act in Burlington County, provides this issuance as guidance regarding selective service registration requirements for potential participants in WIOA Title I programs.

## **REFERENCES**

- WIOA (Public Law 113-128) Section 189(h)
- Military Selective Service Act (50 U.S.C. App. 453)
- TEGL 11-11, Change 2
- TEGL 8-98

## **MESSAGE**

Under WIOA Section 189(h), the U.S. Secretary of Labor must ensure that each individual receiving services in any WIOA programs has not violated Section 3 of the Military Selective Service Act (50 U.S.C. App. 453). In order to be eligible to receive Adult, Dislocated Worker or Youth services under WIOA, every male citizen, and male non-citizen, 18 through 25 years of age must first be registered with the selective service prior to enrollment.

## **INSTRUCTIONS**

The subrecipient or contractor that enrolls individuals in WIOA Title I-funded activities is the entity responsible for verifying selective service registration for males seeking to enroll in WIOA programs. If a male turn 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIOA Title I-funded services must be suspended until he registers.

Acceptable documentation showing registration status includes:

Selective Service Acknowledgement letter

- Form DD-214 “Report of Separation”
- Screen printout of the Selective Service Verification which can be found at

<https://www.sss.gov/verify/>. 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)
- Stamped Post Office Receipt of Registration

### **Exceptions**

For U.S. citizens, Selective Service registration is not required if the individual falls within one of the following categories. \* In these instances, service staff may proceed with enrollment and service delivery:

- Men born on or before December 31, 1959.
- 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 26th birthday.
- Persons who were designated female at birth and have since undergone gender reassignment. \*\*

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 26th birthday. Acceptable forms of supporting documentation include:
  - Date of entry stamp in his passport.
  - I-94 with date of entry stamp on it; or
  - 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 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
- Non-U.S. male on a valid non-immigrant visa.

\*Note: 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). Selective Service also provides information regarding who needs to register <https://www.sss.gov/faq/#who-needs-to-register>.

\*\*Note: Per the Selective Service website, individuals who are born female and have a gender transition are not required to register regardless of their current gender or transition status. U.S. citizens or immigrants who are born male and have had a gender transition are still required to register.

### **Males 26 and Older Who Are Not Registered**

Subrecipients or contractors who receive WIOA Title I funds must establish a policy for those potential participants who are 26 or older that have not registered with the Selective Service.

This policy may allow for the following options:

1. Request a Status Information Letter (SIL) from the potential participant before deciding that the failure to register was knowing and willful.
2. Alternatively, an entity may initiate its process to determine if the failure to register was knowing and willful without first having the potential program participant present the Status Information

Letter.

\*Note: The second option may be preferable for when there are time limits for enrolling participants (e.g., individuals recently released from incarceration).

### **Requesting a Status Information Letter**

An individual may obtain a Status Information Letter (<https://www.sss.gov/verify/sil/>) 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. 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, institutionalization, incarceration, and/or military service from age 18 through 25) and provide documentation of those circumstances to the Selective Service System (SSS). 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 and service provision should proceed. If the Status Information Letter indicates that the individual was required to register but failed to do so, the individual may only receive services if they can provide evidence to establish the 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**

Local staff will be responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. Evidence 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 following are examples of documentation/evidence 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 in making determinations in cases regarding willful and knowing failure to register.

In order to establish consistency regarding the implementation of the requirement, SSS has designated the following questions as a model for determining whether a failure to register is knowing and willful.

In determining whether the failure was "knowing," local staff should consider:

- 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?

In determining whether the failure was "willful," the local staff should consider:

- 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?

If local staff determine it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the local staff determine 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. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

### **EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT**

All Recipients, and Sub-recipients/Sub-grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.