

## Purpose

The purpose of this policy is to ensure that Job Link complies with the requirement for all male applicants seeking WIOA services to register for Selective Service per the Federal Military Selective Service Act in order to receive WIOA funded services.

## 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

All male clients born on or after January 1, 1960 going through the WIOA Eligibility Process are required to establish their compliance with the Selective Services requirements. All males participating in WIOA programs must register with Selective Service between their 18th and 26th birthday.

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.

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.
- Individuals who are born female, and change their gender to male (Selective Service uses what's recorded on the birth certificate).

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.

The above list of Selective Service registration requirements is not exhaustive. Additional information regarding these requirements can be found in the Quick Reference Chart showing who must register.

Selective Service registration compliance can be established in two ways:

1. They must present documentation that demonstrates their compliance with the Selective Services requirements. (<https://www.sss.gov/Home/Verification>)
2. If they can't prove their compliance with documentation from the Selective Services office, they can complete the Selective Service – Failure to Register Self- Attestation Statement (HSD 1671) that explains that they were unaware of the requirement, and/or if aware, they did **NOT** willfully fail to register for Selective Services
  - a. This includes all males excluded by law from registering.
  - b. WIOA staff are authorized, and required, to ask the following questions of all males who cannot provide proof of Selective Service registration:
    - i. Was the individual aware of the requirement to register?
    - ii. If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him?
    - iii. On which date did the individual first learn that he was required to register?
    - iv. Where did the individual first learn that he was required to register?
    - v. Where did the individual live when he was between the ages of 18 – 26?
    - vi. Does the status information letter indicate that the Selective Service sent letters to the individual at that address and did not receive a response?
    - vii. Was the failure to register done deliberately and intentionally?
    - viii. Did the individual have the mental capacity to choose whether to register and decided not to register?
    - ix. What actions, if any, did the individual take when he learned of the requirement to register?

If a client states they were aware of the requirement and they willfully failed to register then they are **unable** to receive WIOA Title I Services, per Federal law. Failure to comply with this policy can lead the state to disallow approval of all expenditures associated with that client.

Clients who establish their failure to comply with the Federal Act was not willful, are eligible to receive WIOA Title I services.

## **Documentation Requirements:**

To demonstrate due diligence and adherence to this policy, the Employment Training Counselor will collect any documentation provided, and will also complete the “Selective Services” case note template accurately and completely.

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 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.
- 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.

## **References:**

WSD 16-18

WIOA (Public Law 113-128) Section 189(h)

Title 50 United States Code “Military Selective Service Act,” Appendix 453

TEGL 11-11, Change 2