

Date of Issuance: June 2016

Subject: Failure to Register for Selective Service

Background: This policy statement is based on the U.S. DOL Training and Employment Guidance Letter No. 11-11 Change 2 (Attachment 1)

Purpose: The purpose of this Policy Statement is to provide guidance to staff on applying the Selective Service Registration requirement for individuals over the age of 26, born on/or after January 1, 1960, who have not registered for Selective Service. Staff should follow procedures as outlined in the attached TEGL 11-11 Change 2, which states in part that:

The grantee that enrolls individuals in WIOA Title 1 funded activities may require that males 26 years and over, who failed to comply with Selective Service registration requirement, request a Status Information Letter before making a determination that the failure to register was knowing and willful; or may initiate its process to determine if the failure to register was knowing and willful without first having the potential program participant request the Status Information Letter.

Department Policy: If a customer cannot prove that he has registered for selective service, take the following steps:

- 1). Check registration at www.sss.gov If available, print out the verification letter.
- 2). Call 1-847-688-6888. There are a few reasons why a registered individual may not appear in the on-line database (error in data entry, duplicate registrations, non-citizen). The only way to verify this is to talk to a customer service representative.
- 3). If attempting both number 1 and 2 yields no results, proceed to determining if failure to register was knowing and willful.

Determining Knowing and Willful Failure to Register

If the individual was required but failed to register with Selective Service, 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. Our agency policy is outlined below.

Preponderance of Evidence: Every effort should be exercised to assist customers to establish eligibility and provide appropriate services. To demonstrate that a person's failure to register was not a knowing and willful failure, staff will be required to do the following:

1. Have the person offer as much evidence and details as possible to support the circumstance that caused failure to register. Examples of such "evidence" may include the following:
 - Copies of document showing any periods of hospitalization, institutionalization, or incarceration occurring between their 18th and 26th birthdays **or**
 - Third party affidavits from parents, teachers, employers, doctors having first-hand knowledge of the person's circumstance occurring between their 18th and 26th birthday **or**
 - The person's affidavit detailing the circumstances occurring between their 18th and 26th birthdays. An "Applicant Statement" can be used for this purpose with a collaborating witness's signature.

2. Individuals who are not United States citizens during the period of mandatory registration will then be required to provide documentation to show when they entered the United States. If they entered after their 26th birthday then they were never required to register.
3. Once the above mentioned information has been provided, staff must consult with Unit Supervisor for final Selective Service eligibility determination prior to the provision of services. The customer file must contain the documentation used to arrive at the eligibility determination.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIA
	CORRESPONDENCE SYMBOL OWI/DWASWS
	DATE May 16, 2012

**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 11-11,
 CHANGE 2**

TO: STATE WORKFORCE AGENCIES
 STATE WORKFORCE ADMINISTRATORS
 STATE AND LOCAL WORKFORCE INVESTMENT BOARD DIRECTORS
 COMPREHENSIVE AND AFFILIATE ONE-STOP CAREER CENTER
 DIRECTORS
 JOB CORPS CONTRACTORS
 INDIAN AND NATIVE AMERICAN WORKFORCE INVESTMENT ACT
 SECTION 166 GRANTEES
 NATIONAL FARMWORKER JOBS PROGRAM GRANTEES
 DISCRETIONARY GRANTEES

FROM: JANE OATES /s/
 Assistant Secretary

SUBJECT: Selective Service Registration Requirements for Employment and Training
 Administration Funded Programs

- Purpose.** This Training and Employment Guidance Letter (TEGL) 11-11, Change 2 clarifies the implementation of the Selective Service registration requirements of the Workforce Investment Act (WIA) of 1998 § 189(h), codified at 20 CFR 667.250, and the Military Selective Service Act (50 U.S.C. App. 453), codified at 32 CFR Part 1605. **This guidance clarifies that grantees, subgrantees, or contractors funded or authorized by Title I of WIA must set a policy for potential participants who are males 26 years old or older that failed to register with the Selective Service. The policy may either (1) request a Status Information Letter 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 the first requesting a Status Information Letter** (see Section 4. *Ensuring Selective Service Compliance in the Public Workforce System*). This clarification replaces and supersedes prior guidance issued.
- Applicable Programs and Services.** All programs and services established or receiving assistance under Title I of WIA must comply with Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by

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the Employment and Training Administration under WIA. Any grantee with questions regarding the applicability of these requirements should contact their Federal Project Officer.

3. **Selective Service Registration Requirements.** Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th 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 26th 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 26th 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 26th birthday. Acceptable forms of supporting documentation include:
 1. Date of entry stamp in his passport;
 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 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.

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. The Selective Service System also provides a quick reference chart showing who must register located at <http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>.

4. **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 WIA, 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 include:

- Selective Service Acknowledgement letter;
- Form DD-214 “Report of Separation”;
- Screen printout of the Selective Service Verification site: 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.

Registration Requirements for Males Under 26

Before being enrolled in WIA Title I-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. If a male turns 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 WIA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIA Title I-funded services must be suspended until he registers.

Registration Requirements for Males 26 Years and Over

Before enrolling in WIA 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.

The grantee, subgrantee, or contractor that enrolls individuals in WIA Title I-funded activities may require that males 26 years and over, who failed to comply with the Selective Service registration requirement, request a Status Information Letter before making a determination that the failure to register was knowing and willful. 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 request the Status Information Letter. The second option may be preferable for entities that have 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* 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 WIA. **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 WIA 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 grantee, subgrantee, or contractor that enrolls individuals in WIA 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 grantees in making determinations in cases regarding willful and knowing failure to register.

In order to establish consistency regarding the implementation of the requirement, grantees 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:

- 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 authorized organization 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 an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that evidence shows that the individual’s failure to register was knowing and willful, WIA services must be denied. Individuals denied services must be advised of available WIA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

5. **Inquiries**. Direct all inquiries to Employment and Training Administration Federal Project Officer.