

SELECTIVE SERVICE REGISTRATION VERIFICATION

- I. **Purpose:** To establish a system for verifying Selective Service System (SSS) registration of individuals participating in programs or activities funded under the Workforce Innovation and Opportunity Act (WIOA) within North Central Counties Consortium (NCCC), who are subject to the Military Selective Service Act (50 U.S.C. App 453 et seq.).
- II. **Background:** WIOA Section 189(h) requires that all individuals, participating in any programs or activities established under the Act, have not violated Section 3 of the Military Selective Service Act. Training and Employment Guidance Letter 11-11, Change 2 from the United States Department of Labor provides direction to the Local Workforce Development Areas (LWDAs) to follow.
- III. **References:**
- WIOA (Public 113-128) Section 189(h)
 - Title 20 CFR 667.250
 - Title 50 United States Code “Military Selective Service Act,” Appendix 453
 - DOL TEGL 11-11, Change 2, Subject: Selective Service Registration
 - TEGL 8-98, Selective Service Registration (November 4, 1998)
 - Military Selective Service Act, Section 3
 - WSD15-06, Selective Service Registration

IV. **PROCEDURE:**

NCCC’s Selective Service Registration Verification Procedure shall ensure that individuals applying for WIOA services, who are required to register with the Selective Service System (SSS), have complied and registered prior to enrollment. This procedure also outlines the process to assure the SSS registration of male participants who turn 18 during their participation in WIOA programs or activities, applicants who failed to register for SSS and applicants whose failure to register for SSS was not knowingly or willful.

Individuals determined to be non-eligible as a result of their non-compliance with Section 189 of the WIOA will not be able to participate and/or continue participation in any program or activity funded under the WIOA. Program operators must ensure that individuals adhere to the following SSS verification process prior to enrollment or further services in any WIOA funded program or activity:

NOTE: All SSS verification collected or completed on participants (including those turning 18 after enrollment) shall be filed and maintained in the case file as part of the eligibility documentation. The SSS documentation method shall be noted in the CalJOBS System.

A. Applicants for Service: Males born after 12/31/59 and who are or have been required to register with the SSS (see **Attachment I**), shall have compliance with such system verified through utilizing one of the following methods prior to enrollment:

- 1) Registration confirmation provided via internet by SSS requires that intake staff access On-Line Verification <http://www.sss.gov/>.
- 2) SSS registration by a WIOA uncompensated registrar. **(Applicant may not be registered on or after his 26th birthday)**
- 3) Provision of a SSS acknowledgment letter, registration card, verification form (form 3A) or stamped post office receipt of registration.
- 4) DD -214 with separation date indicating they were in the military from age 18-26.

B. Consortium Participants: Individuals who turn 18 during their WIOA participation shall also have their compliance with the SSS registration requirements verified by the service provider. NCCC will issue monthly reports to the service providers identifying which Consortium participants will be turning 18 during a given month. Individuals are required by the SSS to register within 30 days of turning 18 years old. It is the service provider's responsibility to ensure that participants comply with the SSS requirements. Service providers are to utilize any of the initial verification methods mentioned previously as a means of completing this verification. Participants failing to register with the SSS must be "exited" from the program and will not be able to continue participation in any WIOA program or activity.

NOTE: Selective Service registration must be updated in CalJOBS once the participant registers.

C. Applicants Who Failed to Register for SSS: Male applicants born after 12/31/59 who are 26 years of age or older, and who did not register as required prior to their 26th birthday, shall be allowed to participate in the WIOA, if otherwise eligible, should any of the following apply:

- 1) Applicant/non-U.S. male who did not enter the U.S. for the first time until after he attained age 26. Acceptable forms of supporting documentation include:
 - a. Date of entry stamp in his passport;
 - b. I-94 with date of entry stamp on it; or
 - c. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the U.S. presented in conjunction with documentation establishing the individual's age.
- 3) Applicant/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.

- 4) Applicant/non-U.S. male on a valid non-immigrant visa.

NOTE: The SSS Exempt Status Determination Form (**Attachment III/EV21**) must be completed and maintained in the case file for this category.

D. Applicants Whose Failure to Register for SSS was not Knowingly or Willful:

If none of the conditions noted in item IV.C. have been met, a determination must be made as to whether the individual knowingly and willfully failed to register; please see Attachment II.

NOTE: The SSS Exempt Status Determination Form (**Attachment III/EV 21**) must be completed and maintained in the case file for this category. All determination criteria must be case noted including the Status Information letter and evidence that shows they did not knowingly or willfully fail to register.

NOTE: If the service provider determines 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.

E. Transsexual, Transgendered, and Intersex Individuals: The requirement for transsexual, transgendered and intersex individuals to register with Selective Service depends upon the gender recorded on their birth certificate. If an individual is recorded as a male, that individual would need to register for Selective Service regardless of their present sexual identity (e.g. sex change from male to female). However, if that individual's birth certificate is later changed to reflect a female identity, that individual would not be required to register.

Who Must Register

Category	Must Register	Not Required To Register
All male U. S. Citizens born after December 31, 1959, who are 18 but not yet 26 years old, except as noted below	X	
Military-related Members of the Armed Forces on active duty (active duty for training does not constitute “active duty” for registration purposes)		X *
Cadets and Midshipmen at Service Academies or the Coast Guard Academy		X*
Cadets at the Merchant Marine Academy	X	
Students in Officer Procurement Programs**		X*
National Guardsmen and Reservists not on active duty	X	
Delayed Entry Program enlistees	X	
ROTC students	X	
Separatees from Active Military Services, separated for any reason before age 26	X*	
Men rejected for enlistment for any reason before age 26	X	
Civil Air Patrol members	X	
Aliens*** Lawful nonimmigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired Forms I-94, I-95A, or Border Crossing Documents I-185, I-186, I-1586, or I-444)		X*
Permanent resident aliens	X	
Special (seasonal) agricultural workers (I-688)	X	
Special agricultural workers (I-688A)		X
Refugee, parolee, and asylee aliens	X	
Undocumented (illegal) aliens	X	
Dual national U.S. citizens	X	
Confined Incarcerated, or hospitalized or institutionalized for medical reasons		X*
Handicapped physically or mentally Able to function in public with or without assistance	X	
Continually confined to a residence, hospital, or institution		X

* Must register within 30 days of release unless already age 26, or already registered when released, or unless exempt during entire period age 18 through 25.

** Students enrolled at: The Citadel, North Georgia College, Norwich University, and Virginia Military Institute.

***Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States. Habitual residence is presumed whenever a national or a citizen of the Republic of the Marshall Islands or the Federated States of Micronesia resides in the United States for more than one year in any status, except as a student or employee of the government of his homeland.

**Determination of "Knowing and Willful"
Failure to Register with the Selective Service System**

For male applicants born after 12/31/59 who are 26 years of age or older who did not register as required prior to their 26th birthday and do not meet either criteria of Section IV.C. of this procedure, there must be a determination rendered by the Selective Service System (SSS) as to their SSS Status. This SSS determination must be made prior to enrollment into the WIOA program.

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

Requests for SSS determinations must include the information below or the attached form may be used (**Attachment V**).

1. Name;
2. Current mailing address;
3. Date of birth;
4. Social Security number;
5. Daytime telephone number;
6. Statement that he is requesting an advisory opinion under Section 3 of the Military Selective Service Act; and
7. Reasons for not having registered with Selective Service.

Requests for this determination shall be sent to:

Selective Service System
PO Box 94638
Palatine, IL 60094-4638

The SSS has agreed to respond to each request within **90** days of receipt.

SSS Determination: The applicant must provide evidence explaining why he failed to register with the SSS. If the SSS determines that a male knowingly and willfully failed to comply with the Military Selective Service Act, he is ineligible for WIOA services and may not be enrolled as a participant. If the SSS records are silent on this issue, and the applicant is otherwise eligible, then the service provider must make the determination that there is evidence to show the applicant did not knowingly and willfully fail to register with the SSS per TEGL 11-11.

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. 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.

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 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 IV).***

****Please note self-attestation may serve as sufficient evidence when other options of documentation or third party corroboration are not available. For a self-attestation statement template please see Attachment IV of this procedure.***

Model Questions

In order to establish consistency regarding the implementation of the requirement, subrecipients or contractors should use the following questions as a model for determining whether a failure to register is knowing and willful.

To determine whether the failure was “knowing,” and “willful” authorized organizations 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 birthdays 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?

SSS Exempt Status Determination

This status determination document must be used when male applicants born after **12/31/59** did not register with Selective Service prior to their 26th birthday. One of the Exempt categories below must be identified. This form and the back-up documentation must be maintained in the participant's case file.

NOTE: When completing box entitled "*Selective Service Registration*" on the WIOA Application Form "Exempt" must be indicated.

Exempt status determination for _____ has been completed per the method noted below:

_____ has been completed per the method noted below:

- ☐ Applicant/non-U.S. male who did not enter the U.S. for the first time until after he attained age 26. 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 U.S. presented in conjunction with documentation establishing the individual's age.
- ☐ Applicant/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.
- ☐ Applicant/non-U.S. male on a valid non-immigrant visa.
- ☐ Applicant has obtained a letter from SSS which states that he was not required to register or was required to register and so complied, or their records are silent on this issue **and** has provided evidence or letter that they did not knowingly or willfully fail to register, see attached copy of evidence and /or letters of determination.

Service Provider: _____

Staff Name: _____ **Date:** _____

**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