



APPROVAL DATE:

10/10/12

APPROVED BY:

Carl Dudley, WIB Chair

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF SOCIAL SERVICES**

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**POLICY NO:** 17-08  
**TO:** Service Providers  
**FROM:** Department of Social Services  
**EFFECTIVE:** July 1, 2009 – Revised August 28, 2012  
**SUBJECT:** Selective Service

**REFERENCES:**

- WIA Section 189(h)
- Title 50 United States Code Appendix 453 (Military Selective Service Act)
- Title 20 Code of Federal Regulations Section 667.250
- 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 11-11, Change 1, Selective Service Registration Requirements for Employment and Training Administration Funded Programs (January 20, 2012)
- TEGL 8-98, Selective Service Registration (November 4, 1998)
- WIA Job Training Automation System Client Forms Handbook
- State of California Employment Development Department (EDD) Directive WSD12-8 (August 28, 2012)

**BACKGROUND:**

Only those males who are subject to, and have complied with, the registration requirements of the Military Selective Service Act are eligible for participation in WIA funded programs and services. Section 189(h) of the WIA requires the Secretary of Labor to ensure that each individual participating in any WIA program, or receiving any assistance under the Act, has not violated the requirements of Section 3 of the Military Selective Service Act. This section requires that every male citizen and every other male residing in the United States must register with Selective Service between their 18th and 26th birthday. This section also requires the Director of the Selective Service System and the Secretary of Labor to cooperate in carrying out these provisions.

**PURPOSE:**

This policy provides guidance regarding the Selective Service registration requirements for participation in Workforce Investment Act (WIA) funded services including specific requirements, acceptable documentation, and questions to help local areas with determining whether failure to register by a current or potential WIA participant was knowing and willful.

## **POLICY:**

All programs and services established or receiving assistance under WIA 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 WIA. They do not apply to programs funded or solely authorized by the Wagner-Peyser Act.

## **PROCEDURE:**

### **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 18th birthday and up to, but not including their 26th birthday.

This includes males who are:

- Citizens of the U.S.;
- Veterans discharged before their 26th birthday;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees who take up residency in the U.S. prior to their 26th birthday; and/or
- Dual nationals regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the male falls within one of the following categories:

- Males who are serving in the military on full-time active duty;
- Males attending the service academies;
- Disabled males who were continually confined 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; and/or
- Veterans discharged after their 26th birthday.

For non-U.S. citizens, Selective Service registration is not required if the male falls within one of the following categories:

- Non-U.S. male who entered the U.S. 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 indicating the date the male entered the U.S. (shown along with documentation establishing the male'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: The requirement for transsexual, transgendered, and intersex individuals to register with the 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 the 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.

This list of Selective Service registration requirements is not exhaustive; however, additional information regarding these requirements can be found on the Selective Service website at [www.sss.gov](http://www.sss.gov). A quick reference chart listing who must register is attached to this policy. (Attachment A)

### **Acceptable Documentation**

In order to be eligible to receive WIA-funded services, 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 eligibility for WIA Title 1 programs include:

- Selective Service Acknowledgement letter
- Form DD-214 "Report of Separation," (use only if veteran was discharged after his 26th birthday)
- Screen printout of the Selective Service Verification site: [www.sss.gov/RegVer/wfVerification.aspx](http://www.sss.gov/RegVer/wfVerification.aspx). 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) and/or
- Stamped Post Office Receipt of Registration

### **Registration Requirements for Males Under 26**

Before being enrolled in WIA-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](http://www.sss.gov). If a male turns 18 while participating in WIA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIA-funded services. If a male under the age of 26 refuses to register with Selective Service, WIA-funded services must be suspended until he registers.

## **Non-Registration by Males 26 and Older**

Before enrolling in WIA-funded services, all males 26 and older must provide either:

- documentation showing they were not required to register; or
- if they were required to register, documentation establishing that their failure to register was not knowing or willful.

Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed in the “Acceptable Documentation” section of this policy must obtain a Status Information Letter from the Selective Service indicating whether they are required to register. The Request for the Status Information Letter form can be accessed at [www.sss.gov/PDFs/infoform.pdf](http://www.sss.gov/PDFs/infoform.pdf) and the instructions can be accessed at [www.sss.gov/PDFs/instructions.pdf](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, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

### **Status Information Letter**

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 WIA-funded service. If the Status Information Letter indicates that the individual was required to register and did not register, he is presumed to be disqualified from participation in WIA-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.

An individual may obtain a Status Information Letter from the Selective Service if he:

- believes he was not required to register; or
- did register but cannot provide the appropriate documentation

### **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 acknowledgement, the individual may only receive services if he establishes 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-funded activities, and is thereby authorized to approve the use of WIA 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. To help facilitate this process, a Selective Service Non-Registration Knowing & Willful Determination Checklist is attached to this policy. (Attachment B)

### 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 is encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that could assist in making a determination:

- Service in 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 from parents, teachers, employers, doctors and others concerning reasons for not registering may help the grantees in making determinations in cases regarding willful and knowing failure to register.

### Questions

In order to establish consistency, the grantee will use the following questions when determining eligibility for services.

In determining whether the failure to register was "knowing":

- 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 to register was "willful":

- 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?

A participant's claim of ignorance (e.g. "I did not know...") regarding Selective Service registration requirements will not suffice as enough evidence to make a determination if his failure was knowing and willful.

### **Results of Findings**

If it is determined 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. Service providers are to attach the completed Knowing & Willful Determination Checklist to other eligibility documents in the case file. If it is determined that evidence shows that the individual's failure to register was knowing and willful, WIA services must be denied. Service providers are to log the denial and maintain the original completed Checklist in the file and forward a copy to the Administrative Entity. Individuals denied services must be advised of available WIA grievance procedures. Authorized organizations are required to keep all documentation related to evidence presented in determinations on Selective Service.

**ACTION:**

The Administrative Entity for the WIB and its service providers shall follow this policy. This policy shall remain in effect until such time that a revision is required.

**INQUIRIES:**

Inquiries should be addressed to WIB Admin at [wibadmin@co.slo.ca.us](mailto:wibadmin@co.slo.ca.us).

**REVISION HISTORY:**

<i>DATE</i>	<i>DETAILS</i>
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# Selective Service - Who Must Register

## ATTACHMENT A

With only a few exceptions, the registration requirement applies to all male U.S. citizens and male aliens residing in the United States who are 18 through 25 years of age.

Category	YES	NO
All male U.S. citizens born after December 31, 1959, who are 18 but not yet 26 years old, except as noted below:	X	
<b>Military-Related</b>		
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 Coast Guard Academy		X*
Cadets at the Merchant Marine Academy	X	
Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University		X*
National Guardsmen and Reservists not on active duty	X	
Delayed Entry Program enlistees	X	
ROTC Students	X	
Separatees from Active Military Service, separated for any reason before age 26	X	
Men rejected for enlistment for any reason before age 26	X	
Civil Air Patrol members	X*	
<b>Aliens**</b>		
Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired Form I-94, or Border Crossing Document DSP-150)		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	
<b>Confined</b>		
Incarcerated, or hospitalized or institutionalized for medical reasons		X*
<b>Handicapped physically or mentally</b>		
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.

\*\*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.

**NOTE:** Immigrants who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old, were never required to register. Also, immigrants born before

1960, who did not enter the United States or maintained their lawful non immigrant status by continually remaining on a valid visa until after March 29, 1975, were never required to register.

**ATTACHMENT B**

**SELECTIVE SERVICE NON-REGISTRATION  
KNOWING & WILLFUL DETERMINATION CHECKLIST**

PARTICIPANT NAME: \_\_\_\_\_ SSN: \_\_\_\_\_

KNOWING:

1. Was the individual aware of the requirement to register?

\_\_\_\_\_

2. 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 26<sup>th</sup> birthdays were occasionally told that they did not need to register)?

\_\_\_\_\_

\_\_\_\_\_

3. On which date did the individual first learn that he was required to register?

\_\_\_\_\_

4. Where did the individual live when he was between the ages of 18 and 26?

\_\_\_\_\_

5. Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

\_\_\_\_\_

WILLFUL:

1. Was the failure to register done deliberately and intentionally?

\_\_\_\_\_

2. Did the individual have the mental capacity to choose whether or not to register and decided not to register?

\_\_\_\_\_

3. What actions, if any, did the individual take when he learned of the requirement to register?

\_\_\_\_\_

\_\_\_\_\_

COMMENTS/ADDITIONAL INFORMATION:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



CASE MANAGER: \_\_\_\_\_

DATE: \_\_\_\_\_