

WIOA Selective Services Policy

Policy Memorandum 24-05

Date: September 11, 2024

To: All Workforce Innovation and Opportunity Act (WIOA) Contracted Service Providers

Purpose: To provide guidance to contractors (service providers) regarding *Selective Service* registration requirements for enrolling participants in the WIOA program.

Rescissions: N/A

References: Workforce Innovation and Opportunity Act (WIOA) 189(h); Training and Employment Guidance Letter (TEGL) 11-11, Change 2, *Selective Service* Registration Requirements for Employment and Training Administration Funded Programs (May 16, 2012); Employment Development Department (EDD) Workforce Services Division, WSD16-18, *Selective Service* Registration (April 10, 2017)

Background:

Under WIOA, each individual participating in a WIOA program, or receiving any assistance under WIOA Title I, must not be in violation of the Military *Selective Service* Act (MSA Section 3). MSA is a federal law that establishes the *Selective Service* System, which maintains a database of registered male United States (US) citizens and immigrant non-citizens potentially subject to military draft for the United States Armed Forces in times of emergency.

Policy:

A. General Provisions

To be eligible for WIOA services, every male residing in the United States (citizen or non-citizen) must register with *Selective Service* between their 18th and 26th birthday.

For those participants who are 26 or older that failed to register with the *Selective Service*, Contracted Service Provider staff will make a determination about whether the individual's failure to register with the *Selective Service* was knowing and willful.

B. Eligibility

Contracted Service Provider shall determine WIOA eligibility by applying the WIOA regulations, federal guidance, state Directives and local policy, when applicable.

Contracted Service Provider shall ensure that records and documentation of eligibility determination as required by WIOA regulation provided by the participant are uploaded directly to CalJOBS and made available for review by local, state, and federal monitors. Failure to comply with the requirements may result in the service provider being placed on a corrective action and/or incur disallowed costs. The Contracted Service Provider is responsible for completing all mandated eligibility data fields in CalJOBS.

C. Selective Service Registration

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 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.

Before being enrolled in WIOA-funded services/activities, all males, 18 and older, who are not registered with *Selective Service* and have not reached their 26th birthday must register through *Selective Service* website: <https://www.sss.gov/register/>

If a male turns 18 while participating in WIOA-funded services (i.e. WIOA Youth program), 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.

Before enrolling in WIOA-funded services, all males 26 and older must provide one of the following:

- Documentation showing, they were not required to register.
- If they were required to register, documentation establishing that their failure to register was not knowing or willful. (see Section F. Non-Registration by Males 26 and Older).

If an individual entered the U.S. illegally after his 26th birthday, he would need to provide an “official status letter”, known as a *Status Information Letter* from *Selective Service* indicating that he was not required to register. The individual would need to provide documentation to *Selective Service* that shows he was not living in the U.S. between the ages of 18 and 25. The individual should contact *Selective Service* directly with questions on the type of documentation that must be provided as *Selective Service* is the entity responsible for approving that information.

Note: an individual is not required to have a social security number to register with *Selective Service*.

D. Selective Service Registration Documentation

In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the *Selective Service* registration requirements.

Acceptable documentation to determine a person’s eligibility for WIOA include the following, but is not limited to:

- *Selective Service* acknowledgement letter.
- Report of Separation form (Form DD-214). Should be used only if veteran was discharged after his 26th birthday.
- Screen print out of the *Selective Service* Verification site.
<https://www.sss.gov/Home/Verification>
- *Selective Service* registration card.
- *Selective Service* verification form (Form 3A).
- Stamped post office receipt of registration.

E. Transsexual, Transgendered, Intersex Individuals

The requirement for transsexual, transgendered, and intersex individuals to register with the *Selective Service* depends upon the gender recorded on their birth certificate. According to the *Selective Service* website, “Individuals who are born female and have a gender change are not required to register. U.S. citizens or immigrants who are born male and have a gender change are still required to register.”

F. Non-Registration by Males 26 and Older

If the individual was required but failed to register with the *Selective Service*, as determined by his own acknowledgement, the individual may only receive services if he establishes that the failure to register was not knowing and willful. The WIOA Contracted Service Provider responsible for eligibility determination is authorized to approve the use of WIOA grant funds, and responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

The written explanation (application statement) containing as much detail as possible to support his case is used as evidence. The individual should provide details such as reasons he believes he was not required to register and reasons he failed to register on the applicant statement (Attachment I). The individual should describe, in detail, the circumstances, including dates, that prevented him from registering (e.g. hospitalization, incarceration) and provide documentation of those circumstances. The individual may also provide Third Party Affidavits concerning reasons for not registering from parents, teachers, employers, doctors, and others that may help make a determination regarding willful and knowing failure to register.

Self-attestation (attachment II) may serve as sufficient evidence when other options of documentation or third-party corroboration are not available.

To determine whether the failure was “knowing,” WIOA Contracted Service Provider 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 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?

To determine whether the failure was “willful,” WIOA Contracted Service Provider should ask the following:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

If the individual was required to register but failed to do so, the individual will not be disqualified from WIOA participation for failure to register if his failure to register was not knowing and willful. Therefore, if the WIOA Contracted Service Provider determines 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.

However, if the WIOA Contracted Service Provider determines that evidence shows that the individual’s failure to register was knowing and willful, WIOA services must be denied. Individuals who are denied services must be advised of available grievance procedures. WIOA Contracted Service Provider must keep documentation and upload to CalJOBS, all related to evidence presented in determinations on *Selective Service*. Final determination must be documented in a CalJOBS case note entry.

G. Additional Selective Registration Requirements

This local policy of *Selective Service* registration requirements is not exhaustive. Additional information regarding these requirements, including a Quick Reference Chart, showing who must register (Attachment III, SS- Who Must Register) can be found on the *Selective Service* website: <https://www.sss.gov>.

H. Exception to policy

There are no exceptions to this policy.

Action: All WIOA Service Providers will comply with the WIOA *Selective Service* policy. This policy memorandum is on-going and effective immediately.

Inquiries: Any questions regarding this policy memorandum may be directed to the WDB Director and/or designee.

Attachments:

- I. Applicant Statement
- II. Self-Attestation Statement template
- III. SS- Who Must Register

This policy authorized by: the Executive Committee of the Workforce Development Board on September 25, 2024 and Workforce Development Board, October 30, 2024

APPLICANT STATEMENT

I hereby certify, under penalty of perjury that _____

If applicant cannot obtain a satisfactory witness or provide a telephone contact, explain above.

I attest that the information stated above is true and accurate, and understand that the above information, if misrepresented, or incomplete, may be grounds for dismissal from the WIOA program and/or penalties as specified by law.

Applicant signature and date

Corroborating witness signature

Applicant's address

Witness' relationship to applicant

OFFICE USE ONLY

Statement of effort to obtain official documentation of the following eligibility criteria (attach additional pages, if necessary):

Signature of Certifying Official

Date

Signature of Supervisor Approval

Date

DECLARACION DEL APLICANTE

Yo certifico, bajo la condicion de no cometer perjurio de que yo: _____

Si el aplicante no puede obtener un testigo satisfactorio o proveer prueba de un contacto telefonico, de su explicacion en la parte posterior. Yo afirmo que la informacion declarada arriba es verdadera y precisa, y entiendo de que si tal informacion, es presentada fraudulentamente, o incompleta, puede ser la causa de mi terminacion de este programa y que las consecuencias especificadas por la ley sean aplicadas.

Firma del aplicante :

Fecha :

Firma del testigo:

x _____

Domicilio:

Relacion del testigo con el aplicante:

Para el uso del personal unicamente

Declaracion del esfuerzo para obtener documentacion oficial para el siguiente criterio del elegibilidad (agregue paginas adicionales, si es necesario) :

Firma del oficial:

Fecha:

Firma de aprobacion de Supervisor/a:

Fecha:

**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

Selective Service - Who Must Register

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

Category	Yes	No
All male U.S. citizens born after Dec. 31, 1959, who are 18 but not yet 26 years old, except as noted below:	Yes	
Military Related		
Cadets at the Merchant Marine Academy	Yes	
ROTC Students	Yes	
National Guardsmen and Reservists not on active duty / Civil Air Patrol members	Yes	
Delayed Entry Program enlistees	Yes	
Men rejected for enlistment for any reason before age 26	Yes	
Separatees from Active Military Service, separated for any reason before age 26	Yes*	
Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes)		No*
Students in Officer Procurement Programs at the Citadel, University of North Georgia, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University		No*
Cadets and Midshipmen at Service Academies or Coast Guard Academy		No*
Immigrants**		
Permanent resident immigrants (USCIS Form I-551)	Yes	
Refugee, parolee, and asylee immigrants	Yes	
Undocumented immigrants	Yes	
Dual national U.S. citizens	Yes	
Lawful non-immigrants on current non-immigrant visas. A complete list of acceptable documentation for exemption may be found at https://www.sss.gov/Portals/0/PDFs/DocumentationList.pdf .		No
Seasonal agricultural workers (H-2A Visa)		No
Confined		
Incarcerated, or hospitalized, or institutionalized for medical reasons		No*
Handicapped, Physically or Mentally		
Able to function in public with or without assistance	Yes	
Continually confined to a residence, hospital, or institution		No
Transgender People		
US citizens or immigrants who are assigned male at birth and changed their gender to female.	Yes	
Individuals who are born female and have changed their gender to male		No

*Must register within 30 days of release unless already age 26.

NOTE: To be fully exempt you must have been on active duty or confined continuously from age 18 to 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 or reside in the U.S. for at least one year. Habitual residence is presumed and registration is required whenever a national or a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau, resides in the U.S. for more than one year in any status, except when the individual resides in the U.S. as an employee of the government of his homeland; or as a student who entered the U.S. for the purpose of full-time studies, as long as such person maintains that status.

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.