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Purpose

On November 23, 2011, the U.S. Department of Labor issued TEGL 11-11 regarding Selective Service Registration requirements for applicants to and participants in Workforce Investment Act funded programs, newly identified as Workforce Innovation and Opportunity Act (WIOA) funded programs as of July 1, 2015. TEGL 11-11 Change 2 was introduced and became active as of May 12, 2012

Compliance Requirements

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 compliance document and the guidance within clarifies that grantees, subgrantees, or contractors funded or authorized by Title I of (WIOA) must follow the requirements within when reviewing and considering the enrollment of males 26 years old or older that failed to register with the Selective Service.

As further detailed within the Compliance Guidance section of this document, program staff 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.

Compliance Guidance

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 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.

Registration Requirements for Males Under 26

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.

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.

Listed here are the most common types of acceptable documentation to determine a person's eligibility for WIOA Title I programs:

- 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.
- Stamped post office receipt of registration.

Non-Registration by Males 26 and Older

Grantees, subgrantees, or contractors funded or authorized by Title I of (WIOA) may either request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register, or initiate the process to determine if the potential participant's failure was knowing and willful without first requesting a Status Information Letter.

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

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.

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.
 - For additional information refer to www.sss.gov – “Who Needs to Register”
- Non-U.S. males on a valid non-immigrant visa.
 - The few individuals who are exempt from this requirement are those on current non-immigrant visas, as long as they remain on a valid visa up until they turn 26. If they to the Selective Service copies of supporting documentation to show you are exempt.
 - For additional information refer to www.sss.gov – “Who Needs to Register, Immigrants and Dual Nationals.”

*Note that 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.”

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

The [Status Information Letter Request](#) form and instructions can be accessed through the Selective Service website. If an individual decides to request a Status Information Letter, they will need to describe, in detail, the circumstances that prevented themselves from registering (e.g., hospitalization, incarceration, or military service) 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 the individual is eligible to enroll in a WIOA-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 WIOA-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.

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.

Unless, a determination of approval was made through the submission of a Selective Service Registration Waiver approved by the Director of Workforce Development Services, Pacific Mountain Workforce Development Council.

Documentation to support that failure to register was not knowing and willful

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 their statement and 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.**

***Please note, self-attestation may serve as sufficient evidence when other forms of documentation or third party corroboration are not available.**

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" 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 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" authorized organizations 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?

Results of Findings

If an authorized organization 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 authorized organization 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. Authorized organizations must keep documentation related to evidence presented in determinations on Selective Service.

References

Workforce Innovation and Opportunity Act of 2014

WIOA Final Rule; 20 CFR Parts 676,677, and 678; Federal Register, Vol. 81, No. 161, August 19, 2016

WIOA Final Rule; 20 CFR Parts 603, 651, 652, et al; Federal Register, Vol. 81, No. 161, August 19, 2016

Training and Employment Guidance Letter (TEGL) 11-11 Change 2 – Selective Service Requirements for Employment and Training Administration Funded Programs

20 CFR 667.250

32 CFR Part 1605

Selective Service Registration Website – www.sss.gov

WorkSource System Policy 1019 R5 & Attachment A - Eligibility Handbook

PacMtn Policy # 5000 – Adult and Dislocated Worker Program Eligibility

PacMtn Selective Service Registration Requirement & Waiver Form

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