



**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF SOCIAL SERVICES**  
**WORKFORCE DEVELOPMENT BOARD**

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**POLICY NO:** 02-19

**TO:** Service Providers

**FROM:** Department of Social Services

**EFFECTIVE:** January 01, 2020

**SUBJECT:** Selective Service Registration

**REFERENCES:** WIOA (Public Law 113-128, Section 189h)  
Title 50 United States Code Appendix 453 (Military Selective Service Act)  
Training and Employment Guidance Letter (TEGL) 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Administration Funded Programs (May 16, 2012)  
EDD Workforce Services Directive WSD16-18 (April 10, 2017)

**PURPOSE:**

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

This policy is based on SLOWDB's interpretation of WIOA law, regulations and policies and federal, state and local laws, regulations and policies. This policy will be reviewed and updated based on any additional federal or state guidance.

**BACKGROUND:**

Males who are subject to the registration requirements of the Military Selective Service Act must have complied with these requirements to be eligible for participation in WIOA funded programs and services. Section 189(h) of the WIOA requires the Secretary of Labor to ensure that each individual participating in any WIOA 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 residing in the United States (citizen or non-citizen) must register with Selective Service between their 18th and 26th birthday.

**POLICY:**

All programs and services established or receiving assistance under WIOA Title I must comply with the Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the Department of Labor.

**PROCEDURES:****A. 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. 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".

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)

#### B. Acceptable 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 requirement. Acceptable documentation to determine a person's eligibility for WIOA Title I programs include:

- Selective Service Acknowledgement letter
- Form DD-214 "Report of Separation," (use only if veteran was discharged after his 26<sup>th</sup> birthday)
- Screen printout of the Selective Service Verification site: [www.sss.gov/ReqVer/wfVerification.aspx](http://www.sss.gov/ReqVer/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

#### C. 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 26<sup>th</sup> birthday must register through the Selective Service website at [www.sss.gov](http://www.sss.gov). 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.

#### D. Non-Registration by Males 26 and Older

Before enrolling in WIOA-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.

#### E. 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 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.

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, sub-grantee 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. 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 26<sup>th</sup> 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?

### 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, WIOA 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 WIOA grievance procedures. Authorized organizations are required to keep all documentation related to evidence presented in determinations on Selective Service.

### **ACTION:**

All WIOA Adult, Dislocated Worker and Youth Program Service Providers shall comply with this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

**INQUIRIES:**

Any questions regarding this policy may be directed to the DSS WIOA Program Manager at 805-781-1838.

Workforce Development Board (WDB) Approval Required? Yes No X

Initial approval date: \_\_\_\_\_

WDB revision approval date: \_\_\_\_\_