

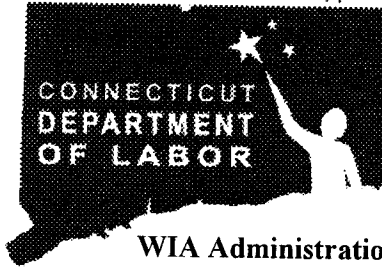
CWP Policy and Procedure Manual

Program: CWP General Policy and Procedures	Section: 2-40
Subject: Selective Service Registration	Effective Date: 12/30/11

Selective Service Registration

CWP and CWP subrecipients adhere to the Selective Service Registration policy and procedure set out in the CTDOL Memo AP 11-15 titled Selective Service Registration for Workforce Investment Act Programs.

See following pages of this section for CTDOL Memo AP 11-15.



WIA Administration Unit

MEMO: AP 11-25

DATE: December 30, 2011

TO: WIB Directors
WIB Fiscal Officers
WIA Program Managers
DOL Job Center Directors
DOL Field Managers

FROM: Mark A. Stankiewicz, *Mark A Stankiewicz*
WIA Program Manager

SUBJECT: Selective Service Registration Requirements for Workforce Investment Act Programs

Background

The US Department of Labor has issued Training and Employment Guidance Letter (TEGL) No. 11-11, regarding "Selective Service Registration Requirements for Workforce Investment Act and Wagner-Peyser-funded programs" on November 23, 2011.

This issuance transmits information from this TEGL and requires workforce investment boards (WIBs) to establish policies and procedures regarding compliance with Selective Service requirements.

Policy

I. U.S. Citizens

Male U.S. citizens born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days before or 30 days after their birthday).

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

- Men who are serving in the military on full-time active duty;
- Men attending the service academies;
- Disabled men who were continually confined to a residence, hospital or institution; and/or
- Men 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.

II. Non-U.S. Citizens

Male non-U.S. citizens born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days before or 30 days after their birthday).

- Non-U.S. citizens include: legal permanent residents, illegal aliens, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday.

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

- Non-U.S. citizen male who came into this country 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 (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
- Non-U.S. citizen 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. citizen male on a valid non-immigrant visa.

III. Dual Nationals

Male dual nationals of the U.S. and another country born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days before or 30 days after their birthday). Dual nationals are required to register regardless of whether they live in the U.S.

IV. Documentation of Selective Service Registration

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 includes:

- Selective Service Acknowledgement letter
- Form DD-214 "Report of Separation"
- Screen printout of the Selective Service Verification site:
www.sss.gov/RegVer/wfVerification.aspx. For males who have 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)
- Stamped Post Office Receipt of Registration.

V. Selective Service Registration Requirements for Males Under 26

Before being enrolled in WIA-funded services, all males under age 26 who are required to register but have not done so must register through the Selective Service website at 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.

Male WIA participants under the age of 26 who are required to register but have not done so must be suspended from WIA-funded services until registration with Selective Service is completed.

VI. Registration Requirements for Males 26 Years and Over

Before enrolling in WIA-funded services, all males, 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement.

VII. Failure to Register and/or Lack of Documentation

Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed in Section IV of this policy issuance must obtain a *Status Information Letter* from Selective Service indicating whether he was required to register.

The *Request for Status Information Letter* form can be accessed at <http://www.sss.gov/PDFs/infoform.pdf> and the instructions can be accessed at <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,

institutionalization, incarceration, 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 he is eligible to enroll in WIA-funded service.

If the Status Information Letter indicates that the individual was required to register and now cannot because he is 26 or older, 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.

VIII. Determining Knowing and Willful Failure to Register

If the individual was required but failed to register with the Selective Service, the individual may only receive services if they establish by a preponderance of evidence that the failure to register was not knowing and willful. The WIB (or the One Stop operator if so designated by the WIB) that enrolls individuals in WIA-funded activities is responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons 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:

1. Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to grantees in making determinations in cases regarding willful and knowing failure to register.

In order to establish consistency when determining whether a failure to register is "knowing," the WIB or its designee should consider the following questions:

- 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 order to establish consistency when determining whether a failure to register is “willful,” the WIB or its designee should consider the following questions:

- 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?

If the WIB or its designee determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If it is determined that the individual’s failure to register was knowing and willful, WIA services must be denied. Individuals denied services must be advised of available WIA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

IX. Requirement for WIB Policy regarding Selective Service Registration

WIBs are required to develop and implement policy regarding selective services registration and provision of WIA funded services. At a minimum, policy must:

- Identify the entity and staff responsible for determining compliance with Selective Service registration requirements..
- Identify the entity responsible for determining knowing and willful failure to register.
- Provide guidelines for obtaining and maintaining documentation regarding an individual’s selective service registration status.
- Provide a grievance procedure for those denied WIA services due to knowing and willful failure to register.

Policies must be fully implemented no later than March 31, 2012.

X. Case File Requirements

Compliance with Selective Service registration requirements must be documented in the electronic case file.

Compliance with Selective Service requirements is required at Intake. Intake information should reflect status at the time of Intake.

If a participant is not required to register with Selective Service at the point of Intake, but is

subsequently required to do so, compliance with Selective Service requirements is to be recorded in Case Notes. Intake information is not to be updated.

Any questions on this issuance can be directed to the WIA Administration Unit (860) 263-6590.

Resources

- Training and Employment Guidance Letter (TEGL) No. 11-11, "Selective Service Registration Requirements for Workforce Investment Act and Wagner-Peyser-funded Programs," US Department of Labor, Employment and Training Administration, November 23, 2011.
Website: http://wdr.doleta.gov/directives/corr_doc.cfm?docn=9313
- Visit the Selective Service website for more information about the registration requirements at www.sss.gov. The Selective Service System also provides a quick reference chart showing who must register located at:
<http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>.