

Date: December 17, 2012

To: Pacific Gateway Workforce Investment Network Staff
WIN Sub-Recipients

From: David Gonzalez
WIB Executive Director

Subject: **POLICY MEMORANDUM: WDB-33
SELECTIVE SERVICE REGISTRATION**

EFFECTIVE DATE

This policy is effective upon date of issuance.

PURPOSE

The purpose of this policy is to provide guidance regarding Selective Service registration requirements for all Workforce Investment Act (WIA) programs and other funded grants administered by Pacific Gateway Workforce Investment Network (Pacific Gateway).

POLICIES AND PROCEDURES

All WIA Title I programs and services and other funded grant administered by Pacific Gateway must comply with the Selective Service registration requirements.

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.

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);
- Selective Service Registration Card;



- Screen printout of the Selective Service Verification site for males already registered: www.sss.gov/RegVer/wfVerification.aspx;
- Selective Service Verification Form (Form 3A); and/or
- Stamped Post Office Receipt of Registration.

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:

- Entered the U.S. for the first time after his 26th birthday may obtain the following acceptable forms of supporting documentation:
 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).
- Entered the U.S. illegally after his 26th birthday must provide proof that he was not living in the U.S. from age 18 through 25.
- 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 were 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 were later changed to reflect a female identity, that individual would not be required to register.

For additional information regarding registration requirements can be found on the Selective Service website at www.sss.gov. A quick reference chart for "Who Must Register" chart is attached (Attachment A).

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. 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

Participants who are 26 or older that failed to register with the Selective Service must provide either 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 was knowing and willful without first requesting a Status Information Letter. The second option may be preferable for entities that have time limits for enrolling participants (e.g. individuals recently released from incarceration).

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 directive 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 and the instructions can be accessed at 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 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.

How to Determine "Knowing and Willful" Failure to Register? (Documentation and Model Questions)

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 predominance 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.

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 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:

- 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 grantees in making determinations in cases regarding willful and knowing failure to register.

Model Questions:

In order to establish consistency regarding the implementation of the requirement, the following questions may be helpful in determining whether a failure to register is knowing and willful.

In determining whether the failure was "knowing," the following questions to ask could be:

- 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 was "willful," the following questions to ask could be:

- 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?

Finally, a participant's claim of ignorance (e.g. "I did not know...") regarding Selective Service registration requirements should not suffice as enough evidence to make a determination if his failure was knowing and willful. Ask him for more evidence to support his claim.

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.
- If it is determined that evidence shows the individual's failure to register knew and willful, WIA services must be denied**.

**Individuals denied services must be advised of available WIA grievance procedures. Documentation related to evidence presented in determinations on Selective Service must be forward to Quality Assurance to be maintained on file.

CONTACT

Should you have any questions regarding this Policy Memorandum, please contact Arleen M. Ward, Quality Assurance Coordinator (562) 570-3680, TTY (562) 570-4629.

Thank you.

DG: amw