

Area 14 Workforce Development Board

Area 14 Workforce Development Board

Selective Service Registration

Area 14 Policy 14.15-04

Effective: May 15, 2019



I. Purpose

The purpose of this policy is to outline the requirements for Selective Service System (hereafter "Selective Service") registration as mandated by the Workforce Innovation and Opportunity Act (WIOA) and the Military Selective Service Act (MSSA) for:

- Male participants born on or after January 1, 1960, ages 18 through 25 years old; and
- Male participants born on or after January 1, 1960, ages 26 and over who have not registered; and
- Male participants born on or after January 1, 1960 who are exempt from registering with Selective Service.

This policy applies to enrollment in the youth, adult, and dislocated worker programs.

II. Effective

Immediately

III. Background

Section 189 (h) of the WIOA requires all participants receiving assistance or benefit under WIOA to comply with Selective Service registration requirements under the MSSA. Section 3(a) of the MSSA requires male citizens of the United States who are born on or after January 1, 1960 and who are ages 18 through 25 years of age, to register for Selective Service at www.sss.gov.

IV. Requirements

The Military Selective Service Act (MSSA) requires every male U.S. citizen and non-citizen national, and non-immigrant males not in compliance with their legal status in the country who are ages 18 through 25 years of age to register with the Selective Service. The WIOA requires that males must register with Selective Service to participate in services and activities funded by the WIOA.

A. Exemptions to Selective Service Registration

1. Cadets and Midshipmen at Service Academies.

Area 14 Workforce Development Board

2. Confined, incarcerated, or hospitalized or institutionalized for medical reasons. However, they must register within 30 days after being released if they have not yet reached their 26th birthday.
3. Continually confined to a residence, hospital, or institution.
4. Females: While women officers and enlisted personnel serve with distinction in the U.S. Armed Forces, women have never been subject to Selective Service registration or a military draft in America.
5. Lawful non-immigrants on visas (i.e., diplomatic personnel, foreign students, tourists with expired forms). However, a non-immigrant who failed to maintain legal status for more than 30 days is required to register. A non-immigrant student who failed to maintain full-time student status is also required to register.
6. Military-related: Members of the Armed Forces on active duty.
7. Non-Citizen male: If he enters the U.S. as a permanent resident after he has already passed his 26th birthday, he is not required to register because he is over the age limit.
8. Seasonal agricultural workers: Holders of H-2A visa.
9. Students in Officer Procurement Programs at military institutions.

Special Categories

1. Disabled men, or men with medical conditions: Neither the Military Selective Service Act nor the Presidential proclamation provide an exemption from registration because of a man's mental or physical condition unless Selective Service is provided with documented evidence that the man is hospitalized or institutionalized; or home-bound and unable to function outside the home, with or without assistance; or is in such a physical or mental condition that he would not comprehend the nature of his registration with the Selective Service System. A determination is then made by the Selective Service as to whether or not the man qualifies for exemption from registration.
2. Individuals who have had a sex change: Individuals who are born female and have a sex change are not required to register. U.S. citizens or immigrants who are born male and have a sex change are still required to register. In the event of a resumption of the draft, males who have had a sex change can file a claim for an exemption from military service if they receive an order to report for examination or induction.
3. Only sons: Sole surviving sons must register, and they can be drafted. However, they may be entitled to peacetime deferment if there is a military death in the immediate family.

An individual may obtain a Status Information Letter from Selective Service if he:

- Believes that he was not required to register; or
- Did register but cannot provide any documentation of the registration.

Area 14 Workforce Development Board

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 and provide the documentation of such 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 WIOA services. If the Status Information Letter indicates that the individual was required to and did not register, he is presumed to be disqualified from participation in WIOA services until it can be determined that his failure to register was not knowing and willful.

It should be noted that the request for a Status Information Letter from Selective Service is not required. The local area may initiate its process to determine if the failure to register was knowing and willful without first having the applicant request the Status Information Letter.

B. Determining Eligibility for Customers who Failed to Register

Males ages 18 through 25

An individual who is of age (i.e., ages 18 through 25) but not registered with Selective Service must be directed to register at www.sss.gov prior to enrollment in the WIOA.

Males ages 26 and older

In 1986, the Military Selective Service Act was amended by Public Law 99-661, 1366, to require that military registration status must be examined and confirmed as follows:

"A person may not be denied the right, privilege, or benefit under federal law by reason of failure to present himself for and submit to registration under section 453 of the MSSA if:

1. The requirement to register has terminated or become inapplicable to the person, and
2. The person shows by preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register."

Males age 26 and older, born on or after January 1, 1960, who have not registered with Selective Service, are considered "ineligible" to participate in WIOA services.

If the individual was required to 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 can establish by a preponderance of the evidence that the failure to register was not knowing or willful. The WIOA staff is responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful per the local area's procedures.

Note: Former Illegal Aliens - Male aliens 26 years or older who entered the U.S. illegally and who were subsequently granted legal status by the INS (IRCA-legalized aliens) or who were

Area 14 Workforce Development Board

born after December 31, 1959, can be registered in WIOA. It is important to remember that WIOA prohibits participation of an alien without legal status from INS, even if there is a determination that there is evidence to show the customer did not knowingly and willfully fail to register with Selective Service.

C. Area 14 Workforce Development Area Procedures

To ensure and document compliance with the Selective Service registration requirement, the case manager will keep documentation showing an applicant was not required to register, and met criteria establishing that the failure to register was not knowing and willful.

Documentation presented to demonstrate that the lack of registration was not knowing and willful may include the individual's written explanation and supporting evidence 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.

In order to establish consistency regarding the implementation of the requirement, Area 14 case managers will consider the following questions when determining whether or not a failure to register is knowing and willful.

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?
- 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?

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 decide not to register?
- What actions, if any, did the individual take when he learned of the requirements to register?

If, after evaluating the evidence provided by the applicant, Area 14 staff determine that the failure to register was not knowing and willful, and he is otherwise eligible for WIOA, services may be granted.

However, if the determination is that the individual's failure to register was knowing and willful, WIOA services will be denied. Individuals denied services should be advised of the available grievance procedures under WIOA. Decisions by the local area regarding selective service registration determinations are subject to the WIOA grievance and appeal procedures.

Area 14 Workforce Development Board

D. How to Register for Selective Service

Register Online

Of-age males may register online with Selective Service: www.sss.gov.

At the Post Office

Selective Service "mail-back" registration forms are available at any U.S. Post Office. Of-age males can complete the form and mail it to Selective Service, while those living overseas may register at any U.S. Embassy or consular office.

Check Box

Males ages 18 through 26 can register when completing the Federal Student Financial Aid (FAFSA) form. By checking box #22 of the FAFSA form, the Department of Education will furnish the registration information to Selective Service.

High School

Males attending high school should consult with their guidance counselor regarding the identification of the assigned Selective Service registrar.

V. Documentation

Area 14 case managers will maintain accurate documentation in circumstances where either the individual is too old to register or meets any of the allowable exceptions to the Selective Service registration requirement. Such documentation must be maintained in the participant file following source documentation requirements outlined in WIOAPL No. 15-07, Source Documentation for WIOA Eligibility.

The Selective Service number is required to be reported, as appropriate, in the Ohio Workforce Case Management System (OWCMS). A copy of the selective service verification must be in the participants file.

VI. Monitoring

Program Operators are required to maintain and report accurate program in OWCMS including Selective Service Registration. Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, information regarding WIOA participants and their activities and performance must be entered into the online state case management system accurately and within 30 days.

The Area 14 Workforce Development Board will conduct oversight of the implementation of the WIOA programs to ensure that participants enrolled in the programs are eligible and that eligibility has been properly documented. Program Operators are required to make available to the board and/or contracted monitors all relevant participant files, documents and paperwork. Program files will be monitored yearly unless it is determined by the board there is a need for more frequent monitoring.

Area 14 Workforce Development Board

VII. References

Workforce Innovation and Opportunity Act, Public Law 113-128

29 U.S.C. 3101 et seq.

Military Selective Service Act, 50 U.S.C. App. 453, 32 C.F.R. Part 1605.

USDOL, Training and Employment Guidance Letter No. 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Administration Funded Programs, (May 16, 2012).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-07, Source Documentation for WIOA Eligibility, (July 1, 2015).