

## Selective Service Policy #P-19-10.22

Date: September 11, 2022

Re: Guidance on WIOA, TANF, and EARN compliance with the Military Selective Service Act.

Approved: November 11, 2022  
Effective: November 11, 2022

References: WIOA Section 189 (h)  
20 CFR §667.250  
32 CFR Part 1605  
TEGL 11-11

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### **I. Purpose:**

- A. In order to participate in any WIOA/TANF/EARN-funded activity, male participants must comply with the Military Selective Service Act by registering for the Selective Service, when applicable.
- B. Selective Service registration requirements do not apply to services/programs funded or solely authorized by the Wagner-Peyser Act, however if co-enrolled in Title I, Selective Service registration required by Title I applies.

### **II. Selective Service Registration Process:**

- A. If a participant did not register for selective service within the designated time frame and they are requesting WIOA/TANF/EARN services, the individual must complete the following process for enrollment:
  1. Print out and complete the Request for Status Information Letter Instructions.
    - a. These instructions can be accessed at <https://www.sss.gov/wp-content/uploads/2020/02/Status.pdf>.
  2. The case manager is required case note all steps and details of actions surrounding the Selective Service Registration of the WIOA/TANF/EARN participant to include the actions surrounding the acquisition of the Status Information Letter and Selective Service Registration verification.
    - a. Forms of verification are included in Section IV of this policy.
  3. The case manager is required to print and retain a copy of the Status of Information Letter and/or the in the participant's file.

### **III. Policy and Procedures:**

- A. Males Under the Age of 26-Years-Old
  1. Prior to being enrolled in a federally-funded program, all males born on or after January 1, 1960 who are not registered with the Selective Service and have not reached their 26th birthday must register through Selective Service.

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2. Male participants who enter a federally-program at the age of 17-years-old or younger and reach the age of 18-years-old while participating in the program must be registered for Selective Service by the 30th day following their 18th birthday to remain eligible for WIOA/TANF/EARN services.
- B. Males 26-Years-Old, and Older
1. Prior to being enrolled in a federally-funded program, all males age 26-years-old and older, must provide documentation of compliance with the Selective Service registration requirement.

#### IV. Proof of Selective Service Registration

- A. Acceptable proof of registration documentation showing registration status includes:
1. Selective Service Acknowledgement letter;
  2. Form DD-214 Report of Separation form;
  3. Screen printout of the Selective Service Verification on the Selective Service website at <https://www.sss.gov/verify/>;
  4. Selective Service Registration Card; or
  5. Selective Service Verification Form (Form 3A).
- B. For males who have already registered, <https://www.sss.gov/verify/> can be used to confirm the Selective Service registration number as well as the date of registration, by entering a last name, social security number, and date of birth.
- C. Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed above must obtain a Status Information Letter from Selective Service indicating a requirement to register, or proof of not having been required to register.
1. The Request for Status Information Letter 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>.
  2. The individual will need to describe, in detail, the circumstances preventing him from registering (e.g., hospitalization, institutionalization, incarceration, military service) and provide documentation of those circumstances.
  3. The documentation should be specific as to the dates of the circumstances.
  4. The Status Information Letter is good for life and the individual should be encouraged to keep their original letter in a safe place for future reference.
  5. If the Status Information Letter indicates an individual was not required to register for the Selective Service, then he is eligible to enroll in federally-funded services.
  6. If the Status Information Letter indicates that the individual was required to register, and now he is unable to register because he is 26-years-old or older, he is presumed to be **disqualified from participation in WIOA/TANF/EARN-funded activities and services** until it can be determined that his failure to register was not knowing and willful.
  7. All costs associated with federally-funded services provided to non-eligible individuals are disallowed.

#### V. Determining Knowing and Willful Failure to Register

- A. The contracted service provider program manager will be responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.
- B. If an individual was required to register with Selective Service but failed to do so, the individual may only receive services if they can provide evidence to establish that the failure to register was not knowing and willful.
- C. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case.
- D. Evidence may include an applicant's statement and supporting documentation of his circumstances at the time of the required registration and the reason for failure to register.

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- E. Examples of documentation to help make a determination in these cases include:
  - 1. Service in Armed Forces - Documentation verifying a man has served honorably in the U.S. Armed Forces such as the DD Form 214 or his Honorable Discharge Certificate may be considered sufficient evidence of his failure to register was not willful or knowing; or
  - 2. Third Party Affidavits - Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering serve as acceptable documentation and helpful to service providers determining whether the failure to register was willful and knowing.
- F. In determining whether the failure was knowing, service providers should consider and **case note the answers to the following questions:**
  - 1. Was the individual aware of the requirement to register?
  - 2. If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him?
    - a. For example, veterans who were discharged before their 26th birthday were occasionally told they did not need to register.
  - 3. On which date did the individual first learn he was required to register?
  - 4. Where did the individual live when he was between the ages of 18 and 26-years-old?
  - 5. Does the Status Information Letter indicate that Selective Service sent letters to the individual at that address and that Selective Service did not receive a response?
- G. In determining whether the failure was willful, service providers should consider and **case note the answers to the following questions:**
  - 1. Was the failure to register done deliberately and intentionally?
  - 2. Did the individual have the mental capacity to choose whether or not to register and decided not to register?
  - 3. What actions, if any, did the individual take when he learned of the requirement to register?
- H. If it is determined not registering with Selective Service was not a knowing and willful failure, and the individual is otherwise eligible for WIOA/TANF/EARN services, then services may be provided.
- I. If it is determined that the failure to register was knowing and willful, federally-funded services must be denied.
- J. Individuals who are denied services must be advised of available program grievance procedures.

## **VI. Immigrants, Dual Nationals, and Refugees**

- A. U.S. immigrants are required by law to register with the Selective Service System 30 days after their 18th birthday or 30 days after entry into the United States if they are between the ages of 18 and 25-years-old.
- B. This protocol includes U.S.-born and naturalized citizens, parolees, undocumented immigrants, legal permanent residents, asylum seekers, refugees, and all males with visas of any kind that expired more than 30 days prior to WIOA/TANF/EARN enrollment.
- C. Immigrants who did not enter the United States, or who maintained lawful non-immigrant status by continually remaining on a valid visa until after they were 26-years-old, are not required to register with Selective Service.
- D. Supporting documentation must be provided for all individuals affected by this policy.
- E. U.S. dual nationals are required by law to register with the Selective Service System within 30 days of their 18th birthday, regardless of whether they live inside or outside of the U.S.
  - 1. Dual nationals residing outside of the U.S. can register using a foreign address.

## **VII. Transgender Individuals:**

- A. The Selective Service policy is based on birth-assigned sex or the sex that is indicated on an individual's birth certificate.
  - 1. The sex indicated on an individual's birth certificate must match the sex indicated on the state-approved photo ID.

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- a. If the sex does not match across all ID documentation, further documentation must be provided.
  - b. If a determination cannot be proven, the sex indicated on the original birth certificate will serve as the determining factor.
  - c. All sources of document verification must be provided, maintained in the individual's file, and case noted in detail.
  - d. If a final determination cannot be made, inquiries can be emailed to the SCPa Works Programs Team.
- B. U.S. citizens or immigrants who are born male and who changed their gender to female are still required to register.
- C. Individuals who are born female and who changed their gender to male are not required to register, and will be asked to complete a Status Information Letter.

**VIII. Name Changes and the Selective Service:**

- A. Individuals who are required to register with Selective Service are also required to inform the Selective Service of any legal name change or change in other record information such as address up until their 26th birthday.
- B. To update records, an individual will complete the Change of Information Form attached to the Registration Acknowledgement Card with the new name.
- C. Alternatively, an individual can complete a Change of Information Form, which can be obtained at any United States Post Office or U.S. Embassy or Consulate abroad.
- D. An individual can also change their information with the Selective Service by letter that includes the individual's full name, Social Security number, Selective Service number, date of birth, current mailing address, and new name.
- E. With any of these methods, the individual must attach official documentation of the name change and mail it to the Selective Service, and all activities must be specifically detailed in participant case notes.

**IX. Summary of Changes:** This policy is reviewed every 180 days by the SCPa Works Policy Department for necessary changes, edits, updates, and revisions.

Date of Change:	Changed by:	Summary of Change(s):	Effective Date
09/11/2022	Saranne Miller 	The contents of this policy are new to SCPa Works in terms of the service area never having board-approval policy in place prior to the constitution of this policy. This policy includes content in alignment with all updated federal and state mandates, legislature, and guidance.	09/26/2022

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