

**Workforce Development System
Technical Advisory #12-9.1
September 17, 2015**

To: Workforce Development Community

SUBJECT: Selective Service Registration Requirements under the Workforce Innovation and Opportunity Act

PURPOSE

The purpose of this Workforce Development System Technical Advisory (WDS-TA) is to communicate updated policy regarding Selective Service (SS) registration requirements for the Workforce Innovation and Opportunity Act (WIOA).

This WDS-TA rescinds and replaces TA#12-9, "Selective Service Registration Requirements under the Workforce Investment Act," issued July 11, 2012.

POLICY

Males over the age of 18 must be registered with SS to be eligible for the WIOA Adult, Dislocated Worker (DW) and Youth programs.

EXCEPTIONS

In the following circumstances, SS registration is not required and WIOA registration and service delivery under the Adult, DW and Youth programs can proceed given all other eligibly criteria are met.

- Males born on or before December 31, 1959 are not required to register with SS.
- Males on active duty in the U.S. Armed Services are not required to register with SS.
- Males currently enrolled at a service academy are not required to register with SS. This applies to West Point, and the Naval, Air Force and Coast Guard academies. Cadets at the Merchant Marine Academy are required to register with SS. Note they must still register within 30 days of release unless already age 26.
- Male veterans who served in the U.S. Armed Services past their 26th birthday are not required to register with SS.

- Males age 26 or older who are not but should be registered with SS for whom it has been determined that their failure to register was not knowing or willful.
- Individuals who are born female and have a sex change are not required to register with SS.

ADDITIONAL INFORMATION

In accordance with United States Department of Labor/Employment and Training Authority (USDOL/ETA) policy, the New York State Department of Labor (NYSDOL) implements a three prong approach to verifying SS registration for males over the age of 18 being enrolled into the WIOA Adult, DW and Youth programs.

1. For males born on or before December 31, 1959; those on active duty or enrolled at a service academy (Cadets at the Merchant Marine Academy must register); individuals born female and have a sex change and veterans who served past their 26th birthday, SS registration is not required. Proceed with WIOA enrollment and service delivery.

Note that a current military ID card or DD-214 should be used to verify exemption from SS based on military service.

2. For males 18 years of age or older who were born after December 31, 1959 whose SS registration can be verified via the SS online look up, proceed with WIOA enrollment and service delivery.
3. For males 18 years of age or older who were born after December 31, 1959 whose SS registration cannot be verified via the SS online look up, local staff must take action. This action falls into three categories:
 - a. If the male is registered with SS, local staff must verify their registration via another means. Approved source documents, as defined by USDOL/ETA include:
 - i. Selective Service Acknowledgement Letter;
 - ii. Form DD-214 "Report of Separation";
 - iii. Selective Service Registration Card;
 - iv. Selective Service Verification Form (Form 3A); and/or
 - v. Stamped Post Office Receipt of Registration.
 - b. If the male is not registered but is between the ages of 18 and 26, inform the individual that he must register with SS before WIOA services can be provided. Once he has registered with SS, proceed with WIOA enrollment and service delivery. Note that Wagner-Peyser (W/P) funded services can be provided.

- c. If the male is not registered and is age 26 or older, local staff must determine that failure to register with SS was not knowing and willful. Note that W/P funded services can be provided.

There are two ways to determine if a failure to register was knowing and willful.

1. Request a Status Information Letter from the potential participant. An individual can request a Status Information Letter from SS if he believes he was not required to register or did register but cannot provide any of the documentation listed above. The form required to request the Status Information Letter and instructions to complete the form can be found online at <https://www.sss.gov/Portals/0/PDFs/Status.pdf>).

Note that if the Status Information Letter indicates that the individual was required to and did not register, he is presumed to be disqualified from the participation in WIOA until it can be determined that his failure to register was not knowing and willful. W/P funded services can be provided.

2. Initiate the process to determine if failure to register was knowing and willful without first requesting a Status Information Letter. This option may be preferable for entities that have time limits for enrolling participants.

If the individual was required but failed to register with SS, as determined by the Status Information letter or by his own admission, he must present evidence to show that his failure was not knowing or willful. He should be encouraged to provide as much evidence as possible, which can include (but is not limited to):

- Evidence that he served honorably in the U.S. Armed Forces, such as a DD-214 or his Honorable Discharge Certificate. Such documents are considered sufficient evidence that his failure to register was not knowing or willful. DD-214's are now available at <http://www.archives.gov/veterans/military-servicerecords/index.html>.
- Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering.

Once all evidence has been presented, local staff must make a determination regarding the applicant's failure to register. Helpful questions to consider when making this determination include:

- 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 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 SS sent letters to the individual and did not receive a response?
- 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?
- What actions, if any, did the individual take when he learned of the requirements to register?

If local staff determines that the failure to register was not knowing and willful and the individual is otherwise eligible, proceed with WIOA enrollment and service delivery. If it is determined that evidence shows that the failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be made aware of grievance procedures.

In all cases, data entry requirements do exist. Please see the most current NYSDOL Technical Advisory (TA) on Data Element Validation and Eligibility for instruction. Note that Staff Verification can be used to verify SS status in most cases, and there is no need to retain any hard copy documentation. However, if the determination has been made that the failure to register was knowing and willful and the individual was refused services under WIOA, local staff should retain the evidence used to make this determination.

INQUIRIES

Questions regarding this TA may be directed to your NYSDOL State Representative.

REFERENCES

Training and Employment Guidance Letter (TEGL) No. 11-11, Change 2: Selective Service Registration Requirements for Employment and Training Administration Funded Programs.

Selective Service System: Who Must Register. Selective Service System. Accessed 16 July 2015. <https://www.sss.gov/Registration-Info/Who-Registration>