

## **Hudson County Workforce Development Board (HCWDB)**

**Policy:** Selective Services Registration Requirement Policy and Procedures

**Effective Date:** October 16, 2023

### **PURPOSE:**

This policy provides guidance regarding the Selective Service registration requirements for participation in Workforce Innovation and Opportunity Act (WIOA) funded services including specific requirements, acceptable documentation, and questions to help local areas with determining whether failure to register by a current or potential WIOA participant was knowing and willful. This policy is based on HCWDB'S interpretation of WIOA law, regulations and policies and federal, state, and local laws, regulations, and policies. This policy will be reviewed and updated based on any additional federal or state guidance.

### **BACKGROUND:**

Males who are subject to the registration requirements of the Military Selective Service Act must have complied with these requirements to be eligible for participation in WIOA funded programs and services. Section 189(h) of the WIOA requires the Secretary of Labor to ensure that each individual participating in any WIOA program, or receiving any assistance under the Act, has not violated the requirements of Section 3 of the Military Selective Service Act. This section requires that every male residing in the United States (citizen or non-citizen) must register with Selective Service between their 18th and 26th birthday.

All programs and services established or receiving assistance under WIOA Title I must comply with the Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the Department of Labor.

### *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. 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:

- Non-U.S. male who entered the U.S. 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 indicating the date the male entered the U.S. (shown along with documentation establishing the male's age).
- Non-U.S. 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. male 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. According to the Selective Service website, "Individuals who are born female and have a gender change are not required to register. U.S. citizens or immigrants who are born male and have a gender change are still required to register".

This list of Selective Service registration requirements is not exhaustive; however, additional information regarding these requirements can be found on the Selective Service website at [www.sss.gov](http://www.sss.gov) .

#### *Acceptable Documentation*

To be eligible for WIOA-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to determine a person's eligibility for WIOA Title I programs include:

- Selective Service Acknowledgement letter
- Form DD-214 "Report of Separation," (use only if veteran was discharged after his 26th birthday)
- Screen printout of the Selective Service Verification site: [Verify Registration | Selective Service System : Selective Service System \(sss.gov\)](https://www.sss.gov/verify). For males who 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) and/or
- Stamped Post Office Receipt of Registration

#### *Registration Requirements for Males Under 26*

Before being enrolled in WIOA-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](http://www.sss.gov) . If a male turn 18 while participating in WIOA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA-funded services. If a male under the age of 26 refuses to register with Selective Service, WIOA-funded services must be suspended until he registers.

#### *Non-Registration by Males 26 and Older*

Before enrolling in WIOA-funded services, all males 26 and older must provide either documentation showing that 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 policy can 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 [Status Information Letter | Selective Service System : Selective Service System \(sss.gov\)](#). 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 WIOA-funded service. While a Status Information Letter can be requested, TEGL 11-11, Change 2 states that alternatively, an entity may initiate its process to determine if the failure to register was knowing and willful without first having the potential program participant request the Status Information Letter.

If the Status Information Letter or a potential participant’s own acknowledgement indicates that he was required to register and did not register, he is presumed to be disqualified from participation in WIOA-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.**

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.

#### **POLICY AND PROCEDURE**

The HCWDB enacts the following policy for males 26 years and older that failed to register.

The Career Services provider that enrolls individuals in WIOA-funded activities and is thereby authorized to approve the use of WIOA grant funds, is the entity that must initiate its process to determine if the failure to register was knowing and willful as per USDOL TEGL No. 11-11 Change 2. The entity must

evaluate the evidence presented by the individual to determine whether the failure to register was knowing and willful. The determination can be made without first having the potential program participant request the Status Information Letter. This option may be preferable for entities that have time limits for enrolling participants (e.g., individuals recently released from incarceration).

#### *Determining “Knowing and Willful” Failure to Register*

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 preponderance of the evidence that the failure to register was not knowing and willful.

Evidence presented may include the individual’s written explanation (self-attestation) and supporting documentation of his circumstances at the time of the required registration and the reason(s) for failure to register. The individual is encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that could assist in making a determination:

- Service in the 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.
- Copies of documents showing any periods of hospitalization, institutionalization, or incarceration occurring between their 18<sup>th</sup> and 26<sup>th</sup> birthday.
- Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, and others concerning reasons for not registering may help the grantees in making determinations in cases regarding willful and knowing failure to register. For example, affidavits from parties having first-hand knowledge of the person’s circumstances between their 18<sup>th</sup> and 26<sup>th</sup> birthday.

The documentation must be submitted to the Career Services provider manager and counselor for review. Upon receipt of the information, the Career Services Manager and Counselor will have one week from the date of receipt to determine whether the individual’s failure to register was knowing and willful.

Once a determination is made, the individual will be notified of the decision in writing via email and/or letter. The individual has a right to appeal the determination as per NJ State Unified Complaint Procedure Policy at [WD-PY22-9 Complaint Procedure \(March 2023\).pdf \(nj.gov\)](#).

#### *Determining Knowing and Willful Lack of Selective Service Registration*

In order to establish consistency, the grantee will use the following questions when determining eligibility for services.

In determining whether the failure to register was “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 (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 to register was “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 decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

### **RESULTS OF FINDINGS AND DOCUMENTATION**

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 that the individual’s failure to register was knowing and willful, WIOA services must be denied.

The denial must be documented in the customer’s file and AOSOS. Authorized organizations are required to keep all documentation related to evidence presented in determinations on Selective Service.

### **ACTION**

All WIOA Adult, Dislocated Worker and Youth Program Service Providers shall comply with this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

### **INQUIRIES**

Any questions regarding this policy may be directed to the Hudson County Workforce Development Board.