

PRINCE GEORGE'S COUNTY WORKFORCE DEVELOPMENT BOARD

WIOA Selective Service Policy

POLICY NUMBER:	1.4000.100.25
EFFECTIVE:	December 19, 2021
APPROVING AUTHORITY:	Board Chair Prince George's County Workforce Development Board
RESPONSIBLE STAFF:	Executive Director, Director, Case Managers, Director, American Job Center Staff – WIOA and Contract Providers
RESPONSIBLE OFFICE:	Program Performance & Data Management

SUMMARY:

All programs and services established or receiving assistance under Title I of WIOA must comply with Selective Service registration requirements. These requirements apply to formula and discretionary grants awarded by the Employment and Training Administration under WIOA. The law requires virtually all male U.S. citizens and male immigrants residing in the U.S. to register within 30 calendar days of their 18th birthday. Service can accept a late registration, but not after a man has reached his 26th birthday.

POLICY:

Selective Service Registration Requirements:

Men born on or after January 1, 1960, must register with Selective Service within 30 days of their 18th birthday (i.e., 30 days before or 30 days after their birthday.)

This includes males who are:

- Citizens of the U.S.;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and
- Dual nationals of the U.S. and another country regardless of whether they live in the U.S.
- U.S. citizens or immigrants who are born male and have changed their gender to female

For U.S. citizens, Selective Service registration **is not** required if the man falls within one of the following categories:

- Men who are serving in the military on full-time active duty;
- Men attending the service academies;
- Individuals who are born female and have changed their gender to male
- Disabled men who were continually confined to a residence, hospital, or institution; and
- Men 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.

For non-U.S. citizens, Selective Service registration **is not** required if the man falls within one of the following categories:

- Non-U.S. male came into this country for the first time after his 26th birthday.
- Seasonal agricultural workers (H-2A visas)
- Immigrants who did not enter the United States or maintain their lawful non-immigrant status by continually remaining on a valid visa until 26 years old were never required to register.
- Immigrants born before 1960, who did not enter the United States or maintain their lawful non-immigrant status by continually remaining on a valid visa until after March 29, 1975, were never required to register.

Acceptable forms of supporting documentation include:

- Date of entry stamp in his passport;
- I-94 with the date of entry stamp on it; or
- Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
- Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must prove that he was not living in the U.S. from age 18 through 25.
- Non-U.S. male on a valid non-immigrant visa.

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the registration requirements at www.sss.gov. The Selective Service System also provides a quick reference chart showing who must register.

All exceptions required supporting documentation and the program director or manager's approval in a case note in the Maryland Workforce Exchange.

POLICY GUIDELINES:

Ensuring Selective Service Compliance in the American Job Center(s) located in Prince George's County

To be eligible to receive 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 Selective Service registration status includes:

- The selective Service Acknowledgement letter
- Form DD-214 "Report of Separation."
- Screen printout of the Selective Service Verification site: www.sss.gov. For males who have already registered, this website can be used to confirm their Selective Service number and the date of registration by entering the last name, social security number, and date of birth.
- Selective Service Registration Card
- Selective Service Verification Form (Form 3A)
- Stamped Post Office Receipt of Registration

Registration Requirements for Males Under 26

Before enrolling 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. If a male turns 18 while participating in WIOA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 to continue receiving WIOA-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIOA-funded services must be suspended until he registers.

Registration Requirements for Males 26 Years and Over

Before enrolling in WIOA-funded services, all males, 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement. Individuals who did not register for the Selective Service or cannot provide any of the documentation listed above must obtain a Status Information Letter from Selective Service indicating whether he was required to register. The Request for Status Information Letter form and the instructions can be accessed at <http://www.sss.gov>.

The individual will need to:

- Describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, military service)
- Provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

A. If the Status Information Letter indicates that an individual was not required to register for the Selective Service, he is eligible to enroll in a WIOA-funded service.

B. Suppose the Status Information Letter indicates that the individual was required to register and now cannot because he is 26 or older. In that case, he is presumed to be disqualified from participating in WIOA-funded activities and services until determined that his failure to register was not knowing and willful.

All costs associated with grant-funded services provided to non-eligible individuals will be disallowed.

Determining Knowing and Willful Failure to Register

Suppose the individual was required but failed to register with the Selective Service. In that case, the individual may only receive services if they establish a preponderance of the evidence that the failure to register was not knowing and willful. The American Job Center Staff, who is authorized to approve the use of WIOA grant funds, is responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

Evidence presented may include:

- The individual's written explanation and supporting documentation of his circumstances during the required registration and the reasons for failure to register. The individual should be encouraged to offer as much evidence and detail as possible to support his case.

The following are examples of documentation that may be of assistance in deciding in these cases:

- Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces, such as D.D. Form 214 or his Honorable Discharge Certificate. Such documents may prove that his failure to register was not willful or knowing.
- Third-Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc., concerning reasons for not registering may also be helpful to grantees in making determinations in cases regarding willful and knowing failure to register.

To establish consistency regarding the implementation of the requirement, authorized Staff should consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was "knowing," the following is considered:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about its applicability (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 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 is considered:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether to register or not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

If a program director or manager determines it **was not** a “knowing and willful” failure and the individual is otherwise eligible, services may be provided. The reason for giving authorization for services must be documented in the case notes.

Suppose the program director or manager determines that evidence shows that the individual’s failure to register was “knowing and willful.” In that case, **WIOA services must be denied**, and the reason for the denial should be documented in the case notes.

Case Management Documentation of Proof of Selective Service Registration or Exemption

Staff must keep evidence presented in determinations related to Selective Service in the customer’s WIOA file.

The MWE WIOA Application provides four responses to the question, have you registered for selective service?

The selection of NOT APPLICABLE should apply only to:

- females and
- males born before January 1, 1960 (date of birth should be verified with appropriate documentation)

The selection of YES should apply to registered individuals and be supported through one of the following options:

- Selective Service Acknowledgement letter
- Form DD-214 “Report of Separation.”
- Screen printout of the Selective Service Verification site: www.sss.gov/RegVer/wfVerification.aspx. For males who have already registered, this website can be used to confirm their Selective Service number and the date of registration by entering the last name, social security number, and date of birth.
- Selective Service Registration Card
- Selective Service Verification Form (Form 3A)
- Stamped Post Office Receipt of Registration

The selection of DOCUMENTED EXEMPTION should apply only to:

- Individuals who, based on the documentation provided, a program director or manager’s determined that not registering was not a knowing and willful failure. The individual is otherwise eligible to participate in WIOA-funded services.

The answer NO should apply to:

- All males born after January 1, 1960, who have not provided documentation of S.S.S. registration compliance.
- Individuals who, based on the documentation provided, a program director or manager’s determined shows that the individual’s failure to register was knowing and willful; **WIOA services must be denied**.

REASON FOR POLICY:

This policy provides information on the Selective Service registration requirements for WIOA services established by the Workforce Innovation and Opportunity Act (WIOA) 189(h) and the Military Selective Service Act (50 U.S.C. App. 453).

EXCLUSIONS TO THE POLICY:

None

FORMS:

None

RELATED POLICY:

- WIOA Law
- WIOA Final Rules
- TEGL 11-11
- Military Selective Service Act, 50 U.S.C. 3801 et seq.;
- MDOL Workforce Innovation and Opportunity Act (WIOA) Title I Youth Program Policy Issuance 2021-14
- MDOL Workforce Innovation and Opportunity Act (WIOA) Title I Adult & Dislocated Policy Issuance 2021-13

APPROVING SIGNATURES:



[Charnetia Young \(Feb 23, 2022 13:56 EST\)](#)

Board Chair
Prince George's County Workforce Development Board

Feb 23, 2022

Date