

## SELECTIVE SERVICE REGISTRATION POLICY AND GUIDANCE

### EXECUTIVE SUMMARY

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The purpose of this policy is to provide guidance regarding the Selective Service registration requirements for participation in Workforce Innovation and Opportunity Act (WIOA) funded services. Additionally, this policy contains model questions for WIOA staff to determine whether failure to register by a current or potential WIOA participant was knowing and willful.

### REFERENCES

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WIOA Section 189(h)

Additional information regarding registration requirements can be found on the Selective Service website at [www.sss.gov](http://www.sss.gov).

### BACKGROUND

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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. Under WIOA Section 189(h), the U.S. Secretary of Labor is required to ensure that each individual participating in a WIOA program, or receiving any assistance under WIOA Title I, has not violated Section 3 of the Military Selective Service Act. This section requires that every male citizen and every other male residing in the United States must register with Selective Service between their 18th and 26th birthday.

Military Selective Service registration requirements (males only).

- WIOA requires males to comply with Selective Service registration requirements prior to participation in WIOA funded programs.
- Local areas must ensure that each applicable male that participates in any local program or activity established under WIOA, or receives any assistance or benefit under WIOA, has not knowingly and willfully failed to register. Services must be denied to a male applicant 26 years or older if it is determined that he knowingly and willfully failed to register. However, when it can be determined that the applicant did not knowingly or willfully fail to register, he can be considered for participation.
- Males born on or after January 1, 1960, and at least 18 years of age, who are not in the armed services on active duty, must be registered for the Selective Service. A youth who becomes 18 years of age while participating in a WIOA program must register within 30 days of his 18th birthday. If a youth fails to register within 30 days of his 18th birthdate, WIOA-funded service will discontinue.
- Occasionally, males who were subject to Selective Service registration, but did not register and are now beyond their 26th birth date, apply for assistance from the WIOA program.

## **Determining whether an individual knowingly and willfully failed to register:**

If the individual was required but failed to register with the Selective Service, the service provider that enrolls individuals in WIOA-funded activities is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

Documentation evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reason(s) 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.

The following are examples of documentation that may be of assistance in making a determination:

1. Evidence that a male has served honorably in the U.S. Armed Forces such as a Form DD-214 or his Honorable Discharge Certificate.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors and others concerning reasons for not registering may help grantees in making determinations in cases regarding willful and knowing failure to register.

**Model Questions** - In order to establish consistency regarding the implementation of the requirement, Monterey County Workforce Development Board (MCWDB) will consider the following questions as a model when determining whether a failure to register is knowing and willful. In determining whether the failure was "knowing," authorized organizations should ask:

- o Was the individual aware of the requirement to register?
- o 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 and were occasionally told that they did not need to register)?
- o On which date did the individual first learn that he was required to register? o Where did the individual live when he was between the ages of 18 and 26?
- o Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?
- o In determining whether the failure was "willful," authorized organizations should ask: - 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?

Finally, a participant's claim of ignorance (e.g. "I did not know...") regarding Selective Service registration requirements should not suffice as enough evidence to make a determination if his failure was knowing and willful. Ask him for more evidence to support his claim. If an authorized staff person determines 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. However, if the authorized staff person determines that evidence shows that the individual's failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures and documentation related to evidence presented in determinations on Selective service must be kept in participant files

## INQUIRIES

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If you have questions please contact staff at (831) 796-6434. This policy is posted on the WDB website located at: [www.montereycountywdb.org/policies/](http://www.montereycountywdb.org/policies/)

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