



Selective Service Registration

Department: Office of Economic & Workforce Development

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PURPOSE

This policy provides guidance and establishes the procedures regarding Selective Service registration requirements for participation in Workforce Innovation and Opportunity Act (WIOA) Title I funded services.

REFERENCES

- [WIOA \(Public Law 113-128\) Section 189\(h\)](#)
- [Title 50 United States Code Appendix 453 \(Military Selective Service Act\)](#)
- [Training and Employment Guidance Letter \(TEGL\) 11-11](#), Change 1, Selective Service Registration Requirements for Employment and Training Administration Funded Programs ([January 20, 2012](#)) and Change 2 dated ([May 16, 2012](#))
- [TEGL 8-98, Selective Service Registration \(November 4, 1998\)](#)
- [Workforce Services Directive WSD16-18, Subject: Selective Service Registration \(April 10, 2017\)](#)

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. 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 the WIOA Title I, has not violated 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.

This guidance is being reissued to clarify requirements for selective service registration, acceptable verification documents and acceptable forms of documentation when determining whether an individual's failure to register with the Selective Service was knowing and willful.

POLICIES AND PROCEDURES

All programs and services established or receiving assistance under Title I of WIOA must comply with Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the Department of Labor (DOL). They do not apply to programs funded or solely authorized by the Wagner-Peyser Act.

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 the following males:

- U.S. Citizens
- Non-U.S. citizens, including undocumented immigrants, legal permanent residents, and refugees who take up residency in the U.S. prior to their 26th birthday
- Dual nationals of the U.S. and another country, regardless of whether they live in the U.S.
- Veterans discharged before their 26th birthday

Selective Service registration is not required for the following male U.S. citizens:

- Males who are serving in the military on full-time active duty
- Males attending the service academies
- Disabled males who were continually limited 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.
- Male veterans discharged after their 26th birthday.

Selective Service registration is not required for the following male non-U.S. citizens:

- Non-U.S. males who entered the U.S. for the first time after their 26th birthday.
 - Acceptable forms of supporting documentation include the following:
 - Date of entry stamp in passport.
 - I-94 with date of entry stamp on it.
 - Letter from the U.S. Citizenship and Immigration Services indicating the date the male entered the U.S. presented in conjunction with documentation establishing the male's age.
- Non-U.S. males who entered the U.S. illegally after their 26th birthday must provide proof that they were not living in the U.S. from age 18 through 25.
- Non-U.S. males on a valid non-immigrant visa.

*Note that 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."

The above list of Selective Service registration requirements is not exhaustive. Additional information regarding these requirements, including a Quick Reference Chart showing who must register, can be found on the Selective Service website at www.sss.gov.

Acceptable Documentation

In order 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 requirements.

Acceptable documentation to determine a person's eligibility for WIOA Title I programs includes the following:

- 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, <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)
- Stamped Post Office Receipt of Registration

Registration Requirements for Males Under 26

Before being enrolled in WIOA-funded services, all men 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 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 one of the following:

- Documentation showing they were not required to register.
- 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 directive must obtain a Status Information Letter from the Selective Service indicating whether they are required to register. The Status Information Letter Request Form can be accessed through the Selective Service website at <https://www.sss.gov/Forms>. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, incarceration, or military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

Status Information Letter for Men Born After 1960: A Status Information Letter from the Selective Service states the facts:

- Whether or not the man is registered.
- Whether or not the man should have registered.
- Or if he is Exempt

If the Status Information Letter indicates that an individual was not required to register for Selective Service, then he is eligible to enroll in a WIOA-funded service. If the Status Information Letter indicates that the individual was required to register and now is unable because he is 26 or older,

he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be determined by OEWD that his failure to register was not knowing and willful. Individual must submit to OEWD a copy of the Status Information Letter, his own letter explaining why he failed to register and any documentation to support his failure to register accompanied by a request from a service provider.

How to Determine “Knowing and Willful” Failure to Register

If the individual was required but failed to register with Selective Service, 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. The local area that enrolls individuals in WIOA-funded activities and is thereby authorized to approve the use of WIOA grant funds, 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 in these cases:

- Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as a Form DD-214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
- 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.
- Self-Attestation – Signed statement that explains why the individual’s failure to register was not knowing and willful.

*Please note, self-attestation may serve as sufficient evidence when other options of documentation or third-party corroboration are not available. See attached OEWD Selective Service Self-Attestation Form.

Model Questions

In order to establish consistency regarding the implementation of the requirement, OEWD may 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,” OEWD may ask:

- 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 the Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was “willful,” OEWD may 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?

Results of Findings

If OEWD determines that an individual’s failure to register with Selective Service was not knowing and willful and the individual is otherwise eligible, services may be provided. However, if the evidence shows that the individual’s failure to register was knowing and willful, OEWD will deny WIOA services. Individuals denied services must be advised of available WIOA grievance procedures.

INQUIRIES

Inquiries should be addressed to the OEWD Director of Workforce Strategy at (415) 701-4848 or email workforce.connection@sfgov.org.

OEWD and its service providers shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

ATTACHMENT 1

SELECTIVE SERVICE SELF-ATTESTATION FORM

To: Office of Economic and Workforce Development (OEWD)

Selective Service Failure to Register Self-Attestation Statement

I, _____, have been informed that the law required me to register for the United States Selective Service. I have been told that my statement must be made freely and voluntarily. I am willing to make such a statement.

I was born on _____ and I am now _____ years old.

I first became aware of my duty to register with the United States Selective Service System on the following date:

Month/Day/Year

I first became aware of my duty to register with the United States Selective Service System under the following circumstances:

While I was between the ages of 18 and 26, I lived in the following country:

I make the following statement:

_____ Yes _____ No I did not register for the Selective Service because I did not know I was supposed to register with the Selective Service System at any time while I was between the ages of 18 years old and 26 years old.

_____ Yes _____ No Had I known I was supposed to register with the Selective Service System while I was between the ages of 18 years old and 26 years old, I would have registered.

_____ Yes _____ No I have been served with a notice from the Selective Service System that they intend to prosecute me for my failure to register.

Signature

Date