

Fresno Regional Workforce Development Board

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OPERATIONAL DIRECTIVE

FRWDB OD # 06-06, Revision F

Date Released: April 27, 2017

To: All Fresno Regional Workforce Development Board Providers of Services

From: Blake Konczal, Executive Director

Effective Date: April 27, 2017

Subject: Selective Service Registration Requirements

Applicable Program: All

Revision History: Initial Release – 1/27/06; Rev B – 1/25/12; Rev C – 4/11/12; Rev D – 8/2/13; Rev E – 11/19/15

This Revision F updates reference and adds clarification when determining if a waiver request for Selective Service registration is needed prior to enrollment into WIOA. It also obsoletes Form# Reg-107, Selective Service Waiver Request, and replaces Form# GEN-001, Applicant's Statement with the State Self Attestation form.

Reference: State Directive WSD16-18; Title 50, United States Code "Military Selective Service Act," Appendix 453; Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) 8-98, TEGL 11-11, Change 2, Operational Directive (OD) 27-09, Waiver Request Process.

Providers of Services are to implement this OD effective immediately.

The Workforce Innovation and Opportunity Act (WIOA), (Public Law 113-128), Section 189(h), requires the Secretary of Labor to ensure that any individual participating in the program has not violated Section 3 of the Military Selective Service Act (50 United States Code (U.S.C.) App. 453). TEGL 8-98, issued by the DOL dated November 4, 1998, and TEGL 11-11 (Change 2), issued by DOL dated May 16, 2012, respectfully, should be used for guidance regarding WIOA Selective Service registration issues.

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, or
- Veterans discharged from military service before their 26th birthday, or
- 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.

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 is:

- Selective Service acknowledgement letter, or
- Report Separation form (Form DD-214), or
 - Should only be used if the veteran was discharged after his 26th birthday.
- Screen printout of the Selective Service Verification site, or
 - 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, or
- Selective Service verification form (Form 3A), or
- Stamped post office receipt of registration.

Provider of Services staff is to ensure that all appropriate documentation proving Selective Service Registration is maintained in the case file. Failure to do so could lead to all expenditures made on behalf of this participant being disallowed.

Selective Service Registration is NOT required (EXEMPT) for the following male U.S. citizens:

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

Selective Service Registration is NOT required (EXEMPT) 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,
 - Must have date of entry stamp on their passport, or
 - I-94 with date of entry stamp, or
 - 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.
 - They 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.

Please 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. If an individual is recorded as a male, that individual would need to register for the Selective Service regardless of their current gender identity.

Those persons who are considered exempt from registration are not required to submit a Waiver Request. Provider of Services staff is to ensure that all appropriate documentation to support the "exempt" determination is maintained in the case file. Failure to do so could lead to all expenditures made on behalf of this participant being disallowed.

In addition, the "Who Must Register Chart" on the Selective Service System (SSS) website at <https://www.sss.gov/Registration/Who-Must-Register/Chart> clearly defines who must register and who is exempt from registering with Selective Service.

Registration Requirements for Males Under 26

Before being enrolled into 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.

If any male participant turns 18 while they are participating in a WIOA program, he must register during the period of time beginning 30 days before, or not more than 30 days after, his 18th birthday – a 60-day window. Provider of Services staff must document the registration and update the participant's case file and application.

Non-Registration by Males 26 and Older

Before enrolling into WIOA-funded services, any male who is not able to provide evidence of Selective Service Registration is required to provide evidence of:

- They were not required to registered (exempt) (see Selective Service Registration Not Required sections above), or
- Documentation establishing that their failure to register was not knowing and willful.

Before a determination for waiver of the Selective Service registration requirement can be made, there must be a "preponderance of evidence." Provider staff must submit a Waiver Request to the Fresno Regional Workforce Development Board (FRWDB) for approval prior to enrollment into any WIOA-funded program.

All requests to waive the Selective Service Registration Requirement must include a completed State Self Attestation form, Selective Service Information letter, and supporting documentation, as evidence presented of the applicant demonstrating that they did not knowingly and willfully fail to register.

Examples of supporting documentation:

- 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.
 - However, if the individual was discharged prior to his 26th birthday, then he was required to register.
- Third Party Affidavits – Affidavits concerning reasons for not registering from parents, teachers, employers, doctors and others may help grantees in making a determination regarding willful and knowing failure to register.

FRWDB staff will evaluate the evidence submitted in the Waiver Request and make a determination regarding whether or not it supports the prospective participant's reasons for not registering were "unknowing and unwillful". If the waiver is approved, WIOA services may be provided as long as all other WIOA eligibility requirements are met. However, if the Waiver Request does not provide a "preponderance of evidence" why the applicant did not register, the waiver will be denied and WIOA services will be denied.

In the event where a request for waiver is denied, the applicant is still entitled to Basic Career Services (Resource Room).The applicant has the right to file an appeal to the FRWDB decision via the local complaint process (See OD 06-12) or with the Selective Service System.

The process for obtaining a “Status Information” letter can be found on the Selective Service website (<http://www.sss.gov>).

Attachments to the OD:

- EDD WIA Directive [WSD16-18](#)
- DOL [TEGL 8-98](#)
- DOL [TEGL 11-11, Change 2](#)
- Waiver Request, Form# [QUA-194](#)
- EDD [Self Attestation form](#)