WORKFORCE INNOVATION AND OPPORTUNITY ACT

Selective Service Registration Policy

IMPORTANT! This document contains **important information** about your rights, responsibilities, and/or benefits. It is critical that you understand the information in this document, and we will provide the information in your preferred language at no cost to you. **Call Lafonda Colbert (580) 357-3500** for assistance in the translation and understanding of the information in this document.

¡IMPORTANTE! Este documento contiene **información importante** sobre sus derechos, responsabilidades y/o beneficios. Es importante que usted entienda la información en este documento. Nosotros le podemos ofrecer la información en el idioma de su preferencia sin costo alguno para usted. **Llame al Lafonda Colbert (580) 357-3500** para pedir asistencia en traducir y entender la información en este documento.

Telephone Relay Service is available by dialing 711 or 800-722-0353

Caddo County, Grady County, McClain County, and City of Chickasha Labor Market Area
Comanche County, Cotton County, Tillman County, and City of Lawton Fort Sill Labor Market Area
Jefferson County, Stephens County, and City of Duncan Labor Market Area

The SCOWB and all partners maintain: No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity.

South Central Oklahoma Workforce Board's Workforce Innovation and Opportunity Act Title I program funding statement can be found at https://scowib.info/funding

SELECTIVE SERVICE REGISTRATION POLICY

PURPOSE: The South-Central Oklahoma Workforce Board provides this issuance as guidance regarding selective service registration requirements for potential participants in WIOA Title I programs.

REFERENCES:

- WIOA (Public Law 113-128) Section 189(h)
- Military Selective Service Act (50 U.S.C. App. 453)
- TEGL 11-11, Change 2
- TEGL 8-98
- WSD #51-2024

POLICY: Under WIOA Section 189(h), the U.S. Secretary of Labor must ensure that each individual receiving services in any WIOA program has not violated Section 3 of the Military Selective Service Act (50 U.S.C. App. 453). In order to be eligible to receive Adult, Dislocated Worker or Youth services under WIOA, every male citizen, and male non-citizen, 18 through 25 years of age must first be registered with the selective service prior to enrollment.

INSTRUCTIONS

The sub-recipient or contractor that enrolls individuals in WIOA Title I-funded activities is the entity responsible for verifying selective service registration for males seeking to enroll in WIOA programs. If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIOA Title I-funded services must be suspended until he registers.

EXCEPTIONS

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

- Men born on or before December 31, 1959;
- Men who are serving in the military on full-time active duty;
- Men attending the service academies;
- Disabled men who are continually confined to a residence, hospital, or institution; and/or
- Men 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.
- Persons who were designated female at birth and have since undergone gender reassignment. **

** In these instances, service provider staff may proceed with enrollment and service delivery

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 who came into this country for the first time after his 26th birthday.

  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 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:** 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. Selective Service also provides a quick reference chart (http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf) showing who must register.*

****Note:** Per the Selective Service website, individuals who are born female and have a gender transition are not required to register regardless of their current gender or transition status. U.S. citizens or immigrants who are born male and have had a gender transition are still required to register.*

MALES 26 AND OLDER WHO ARE NOT REGISTERED

Subrecipients or contractors who receive WIOA Title I funding must establish a policy for those potential participants who are 26 or older that have not registered with the Selective Service. This policy may allow for the following options:

1. Request a Status Information Letter from the potential participant before making a determination that the failure to register was knowing and willful.
2. 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 present the Status Information Letter.

The second option may be preferable for entities that have time limits for enrolling participants (e.g. individuals recently released from incarceration).

Requesting a Status Information Letter

An individual may obtain a Status Information Letter (https://www.sss.gov/forms) from Selective Service if he (1) believes he was not required to register; or (2) did register but cannot

provide any of the documentation listed in Section 3. If an individual decides to request a Status Information Letter, they will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, and/or military service from age 18 through 25) and provide documentation of those circumstances to the Selective Service System (SSS). The documentation should be specific as to the dates of the circumstances.

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, and service providers should proceed. If the Status Information Letter indicates that the individual was required to register but failed to do so, the individual may only receive services if they can provide evidence to establish the failure to register was not knowing and willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

How to Determine Knowing and Willful Failure to Register

Local staff will be responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. Evidence may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons for failure to register. The following are examples of documentation/evidence that may be of assistance in making a determination in these cases:

1. Service in the Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
2. 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.

In order to establish consistency regarding the implementation of the requirement, SSS has designated the following questions as a model for determining whether a failure to register is knowing or willful.

In determining whether the failure was "knowing," local staff should consider:

- 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 was "willful," the local staff should consider:

- 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?

If local staff determine it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the local staff 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. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

ACTION REQUIRED: SCOWB will disseminate the Selective Service Registration Policy to all SCOWB contractors, staff, and board members. All contractors, staff, and board members will be responsible for following this policy.

APPROVED: 1/19/2024