



# COUNTY OF LOS ANGELES WORKFORCE DEVELOPMENT, AGING AND COMMUNITY SERVICES



## WIOA ADULT, DISLOCATED WORKER AND YOUTH PROGRAMS DIRECTIVE

DATE: August 23, 2017

NUMBER: WIOA D17-01

### SELECTIVE SERVICE REGISTRATION

#### EXECUTIVE SUMMARY

This Directive provides clarification and guidance to L.A. County America's Job Centers of California (AJCCs) and Youth Service Providers on County policy and procedures regarding the implementation of Selective Service registration requirements for participation in Workforce Innovation and Opportunity Act (WIOA) programs, including: acceptable forms of documentation, determining whether an individual's failure to register with Selective Service was knowing and willful, and how to handle the results of any associated findings.

This Directive supersedes Directive LACOD-WIOAD15-03 and is effective immediately.

#### REFERENCES

- WIOA (Public Law 113-128) Section 189(h)
- Title 50 United States Code "Military Selective Service Act"
- CA Employment Development Department WSD 16-18: Selective Service Registration

#### BACKGROUND

Per WIOA Section 189(h), the U.S. Secretary of Labor is tasked with ensuring that all participants in WIOA programs, or those receiving any assistance and benefit under WIOA Title I, are compliant with Section 3 of the *Military Selective Service Act*. This section of the *Military Selective Service Act* mandates that all males residing in the United States must register with Selective Service between the ages of eighteen (18) and twenty-six (26).

#### POLICY AND PROCEDURES

All programs, services and activities established under WIOA Title I must comply with Selective Service registration mandates as stated in WIOA Section 189(h) by adhering to the policies and procedures as follows:

##### Selective Service Registration Requirements

With few exceptions, almost all male U.S. citizens and male immigrants, who are 18 years to 25 years of age and born on or after January 1, 1960, are required to register with

Selective Service within thirty (30) days of their eighteenth (18<sup>th</sup>) birthday and up to, but not including, their twenty-sixth (26<sup>th</sup>) birthday.

This includes the following males:

- U.S. citizens;
- Veterans discharged before their twenty-sixth (26<sup>th</sup>) birthday;
- 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; and
- Dual nationals of the U.S. and another country, regardless of whether they live in the U.S.

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 thirty (30) days after being released if they have not yet reached their 26th birthday; and
- Male veterans discharged after their twenty-sixth (26<sup>th</sup>) 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 twenty-sixth (26<sup>th</sup>) birthday. Acceptable forms of documentation to support this status include the following:
  - Date of entry stamp in passport;
  - I-94 with date of entry stamp; and
  - 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 twenty-sixth (26<sup>th</sup>) birthday. They must provide proof that they were not living in the U.S. from age eighteen (18) through twenty-five (25); and
- 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 assigned gender recorded on their birth certificate. Per 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 can be found in the Quick Reference Chart showing who must register (Attachment 2), and on the Selective Service website ([www.sss.gov](http://www.sss.gov)).

### **Acceptable Documentation**

To be eligible to receive WIOA-funded services, all males born on or after January 1, 1960 that are required to register for Selective Service, 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;
- Report of Separation form (Form DD-214). Should be used only if veteran was discharged after his twenty-sixth (26<sup>th</sup>) birthday;
- Verification letter printed from the Selective Service Verification site ([www.sss.gov](http://www.sss.gov)). 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); or
- Stamped post office receipt of registration.

If the AJCC is using the Document Management and Scanning Module in CalJOBS, all applicable documentation regarding a person's Selective Service status must be uploaded in the Registered for Selective Service field within the WIOA Application-Demographics tab. All other AJCCs and Youth Service Providers must store this documentation in the participant case file.

### **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 twenty-sixth (26<sup>th</sup>) birthday must register through the Selective Service website. If a male turns eighteen (18) while participating in WIOA-funded services, registration with Selective Service must be completed no later than thirty (30) days after he becomes eighteen (18) in order to continue to receive WIOA-funded services. If a male under the age of twenty-six (26) refuses to register with Selective Service, WIOA-funded services must be suspended until he registers.

### **Failure to Register for Males Twenty-six (26) and Older**

It is the policy of the County of Los Angeles that a Status Information Letter, obtained from the Selective Service System that states the facts surrounding registration with Selective Service, must be provided by potential participants ages 26 and older who have failed to register for Selective Service. The determination that failure to register was knowing and willful is the responsibility of AJCC or Youth Service Provider staff. Documentation validating the decision must be retained in the participant's file.

Before enrolling in WIOA-funded services, all males twenty-six (26) and older that are not registered with Selective Service must provide one of the following:

- Documentation that shows they were not required to register, or
- If they were required to register, documentation establishing that their failure to register was not knowing or willful.

An individual must obtain a Status Information Letter from the Selective Service if one of the following applies:

- The individual believes he was not required to register, or
- The individual did register but cannot provide the appropriate documentation.

The Status Information Letter Request form and instructions can be accessed through the Selective Service website. 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, incarceration, or military service) and provide documentation of those circumstances. 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 WIOA-funded services. If the Status Information Letter indicates that the individual was required to register and did not register, he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be 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.

#### **How to Determine “Knowing and Willful” Failure to Register**

If the individual was required but failed to register with Selective Service, as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive services if he establishes that the failure to register was not knowing and willful. AJCC and Youth Service Provider staff are responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful. It is the County's position that an applicant's lack of knowledge of the Selective Service registration requirement is insufficient evidence that the failure to register was not knowing and willful. In other words, if the reason given by the applicant for not registering is that he was not aware of the requirement, ***then the request for waiver must be denied.***

Evidence presented must 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 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 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;
- Third Party Affidavits – Affidavits concerning reasons for not registering from parents, teachers, employers, doctors, and others may help AJCC and Youth Service Provider staff in making a determination regarding willful and knowing failure to register; or
- Self-Attestation – Signed statement that explains why the individual's failure to register was not knowing and willful. Note, self-attestation may serve as sufficient evidence when other options of documentation or third party corroboration are not available. A self-attestation statement template is provided as an attachment to this Directive (Attachment 3).

If the AJCC or Youth Service Provider staff 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 organization determines that evidence shows that the individual's failure to register was knowing and willful, WIOA services must be denied. Individuals who are denied services must be advised of available grievance procedures. AJCCs and Youth Service Providers must store documentation related to evidence presented in determinations on Selective Service in CalJOBS and in participant files. Additional information on how to determine Failure to Register can be accessed at <https://www.sss.gov/Home/Men-26-and-OLDER> and from EDD WSD 16-18, Selective Service Registration.

## **ACTION**

L.A. County AJCCs and Youth Service Providers operating WIOA Title I programs must ensure that the requirements described herein are communicated throughout the operations, management and governance structure of the organization and that this Directive is adhered to until further notice.

## **INQUIRIES**

Inquiries regarding this directive and the policies and procedures described herein should be directed to [wioaops@wdacs.lacounty.gov](mailto:wioaops@wdacs.lacounty.gov).



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### **Attachments:**

Attachment 1: EDD WSD 16-18: Selective Service Registration

Attachment 2: Quick Reference Chart: Selective Service – Who Must Register

Attachment 3: Selective Service Failure to Register Self-Attestation Template