

VI WORKFORCE DEVELOPMENT BOARD POLICY DOCUMENT

Workforce System Guidance WIOA 407-21

TO: WIOA Grant Recipients; Administrative Entities; One-Stop Partners

SUBJECT: WIOA Selective Service Requirement

DATE: September 22, 2021

References:

- WIOA Training and Employment Guidance Letter No. 11-11, Change 1
- Selective Service Registration;
- WIOA Training and Employment Guidance Letter No. 11-11, Change 2 - Selective Service Registration

Purpose: This policy provides guidance regarding Selective Service requirements under WIOA

Background: Males who are subject to, and have complied with, the registration requirements of the Military Selective Service Act are eligible for participation in WIOA funded programs and services. WIOA requires the Secretary of Labor to ensure that each individual participating in any WIOA program or receiving any assistance under the Act has not violated the requirement of Section 3 of the Military Selective Service Act. All service providers are charged with ensuring Selective Service compliance in the workforce system.

Policy:

Selective Service Registration:

- All male clients between the ages of 18 and 25 must register with the Selective Service.
- All male clients enrolled in WIOA Adult, Dislocated Worker and Youth programs must be in compliance with Selective Service Registration under the Military Selective Service Act as a condition for participation. The Who Must Register Chart located on the Selective Service System web page provides guidance on who must register and who may be exempt.

Selective Service Compliance:

- To be eligible to receive WIOA funded service, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to show registration status includes:

- Selective Service Acknowledgement letter;
- Form DD-214 “Report of Separation”;
- Screen printout of the Selective Service Verification on the Selective Service website. Males who have already registered can be verified using this website;
- Selective Service Registration Card.

Registration Requirements for Males Under 26 Years of Age:

- Male clients who enter the WIOA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service the 30th day after their 18th birthday to remain eligible for WIOA services. Funds expended on male clients not registered for Selective Service by the 30th day after their 18th birthday will be considered disallowed costs. Any male youth client who attains age 18 while enrolled in WIOA and refuses to comply with Selective Service Registration requirements shall be exited from the WIOA youth program. Youth should not be placed in follow up and there should be case notes that describe, in detail, the circumstances as to why services were not/could not be continued.

Registration Requirements for Males 26 Years and Over:

- Prior to being enrolled in a WIOA funded program, all males 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement. Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed above must obtain and “Status Information Letter” from Selective Service indicating whether he was required to register. The instructions and form to request the “Status Information Letter” is available on the Selective Service website.
- If the “Status Information Letter” indicates that the individual was required to register and now cannot 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 that his failure to register was not knowing and willful. Service providers 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 will need to describe, in detail, the circumstances that prevented him from registering (e.g. hospitalization, institutionalization, incarceration, 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.

Determining Knowing and Willful Failure to Register

- If an individual was required to register with Selective Service but fails to do so the individual may only receive services if they can provide evidence to establish that the failure to register was not knowing and willful. Service providers 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 shall offer as much evidence and in as much detail as possible to support his case. Evidence may include an applicant's statement and supporting documentation of his circumstances at the time of the required registration and the reason for failure to register. Examples of documentation that may help in making a determination in these cases include:
 - Service in Armed Forces. Documentation verifying that a man has serviced honorably in the U.S. Armed Forces such as the DD-214 form or his Honorable Discharge Certificate may be considered sufficient evidence that his failure to register was not willful or knowing.
 - Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, are also acceptable documentation that may be helpful to service providers determining whether the failure to register was willful and knowing.
- In determining whether the failure was "knowing", service providers 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 a letter to the individual at that address and did not receive a response?
- In determining whether the failure was "willful", service providers 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 the service provider determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the service provider determines that evidence shows that the individual's failure to register was knowing and willful, WIOA service must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Service providers must keep documentation related to all evidence presented in determination related to Selective Service.

Monitoring and Evaluation:

Formal monitoring will be conducted as required.

Inquiries: Questions should be addressed to the Workforce Development Board at viswdb@dol.vi.gov or contact 340-227-0061.

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