



WIA POLICY LETTER NO. 11-PL-02

TO: Chief Elected Officials
Local Workforce Investment Board Chairpersons
Local Workforce Investment Board Staff
WIA Fiscal Agents and Grant Recipients
WIA Program Services Administrators
Illinois workNet® Operators
WIA State Agency Partners
Other Interested Persons

SUBJECT: Selective Service Requirement for WIA Title 1B Eligibility

DATE: May 29, 2012

I. SUBJECT INDEX

Program Eligibility

II. PURPOSE

This policy serves to provide Local Workforce Investment Areas (LWIAs) and other grantees guidance on Selective Service requirements in determining eligibility under Title 1B of the Workforce Investment Act (WIA) of 1998.

III. ISSUANCES AFFECTED

A. References:

Workforce Investment Act of 1998, Section 189(h)
WIA 1998 Federal Rules and Regulations, Section 667.250
Military Selective Service Act (50 U.S.C. App. 453), codified at 32 CFR Part 1605
USDOL Training and Employment Guidance Letter (TEGL) No. 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Administration Funded Programs (January 20, 2012)

WIA Policy Letter No. 04-PL-05, WIA Complaint and Grievance Procedures
(Non-Discrimination) (June 10, 2005)
WIA Policy Letter No. 00-PL-12, Change 2, Eligibility for Title 1B of the
Workforce Investment Act (February 22, 2002)

B. Rescissions:

WIA Policy Letter No. 10-PL-61, Selective Service Requirement for WIA Title
1B Eligibility (April 15, 2011)

IV. IMPORTANT TERMS

None

V. BACKGROUND

All programs and services established or funded under Title I of WIA must comply with Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the Employment and Training Administration under WIA.

Specifically, section 3 of the Military Selective Service Act (MSSA) requires that every male, residing in the United States, register with the Selective Service System between their 18th and 26th birth dates. WIA section 189(h) and 20 CFR Part 667.250 requires that male job seekers be in compliance with these registration requirements to participate in WIA-funded activities and services.

Furthermore, in 1986, Public Law 99-661 amended the MSSA to make it a requirement that a male customer's registration status be examined and confirmed. A person can be denied the right or privilege under federal law by reason of failing to submit a registration to the Selective Service unless he meets the following exemption:

- 1) The person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to comply.

As a reminder, WIA Policy Letter 10-PL-61 rescinded Appendix H of WIA Policy Letter No. 00-PL-12, Ch 2. This policy letter continues that rescission and provides updated guidance for compliance with Selective Service requirements.

VI. POLICY

This policy update ensures compliance with the United States Department of Labor issued guidance on Selective Service requirements for WIA Title I programs.

- A. For WIA eligibility, the grantee must ensure each male customer has complied with the following Selective Service guidelines.
1. If the male customer has not reached age 18, and will not within the next 30 days, or was born before January 1, 1960, the Military Selective Service Act (MSSA) is not applicable to that individual. Selective Service Compliance within the Illinois Workforce Development System (IWDS) is to be marked "not applicable" in this instance.
 2. A male WIA participant who attains the age of 18 while participating in the program must be registered with Selective Service by the 30th day after his 18th birthday to remain eligible. He may also register in the 30 days prior to his 18th birthday.
 - a. If the customer fails to register within 30 days after his 18th birthday, all existing WIA services that were obtained before the age of 18 must be closed.
 - 1) All WIA services provided after the customer is determined to be non-compliant will be disallowed.
 3. All other male customers must be registered prior to their 26th birthday, unless the following exceptions apply:
 - a. For United States citizens, Selective Service registration is not required while the male meets one of the following conditions:
 - 1) A male who is serving in the military on full-time active duty;
 - 2) A male attending the service academies;
 - 3) A disabled male who is continually confined to a residence, hospital or institution;
 - 4) A male who is hospitalized, institutionalized, or incarcerated; or
 - 5) If a male is released from any of the above conditions before he reaches the age of 26, he is required to register with Selective Service within 30 days of his release.
 - b. For non-United States citizens, Selective Service registration is required within 30 days of becoming a resident unless the man falls within one of the following categories:

- 1) A male who came into this country for the first time after his 26th birthday.
 - a) Acceptable forms of documentation for this exemption include:
 - i) Date of entry stamp on passport;
 - ii) I-94 with date of entry stamp on it; or
 - iii) 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.
 - 2) A male who entered the country illegally after his 26th birthday and can provide proof that he was not living in the United States from age 18-25.
 - 3) A male on a valid, non-immigrant visa.
 - c. If a non-compliant male customer is receiving non-Core A, staff assisted, services at the time this policy becomes effective, he will receive a grace period of 30 days to begin the compliance process. This can mean registration for males under 26 or completion of the Request for Status Information Letter (RSIL) and the Selective Service Verification Form (DCEO/SS Form #001), which is attached, for males 26 years of age and older. At the conclusion of the 30 day grace period, any non-compliant male that has not begun the compliance process will be removed from WIA funded services and any costs associated with servicing this customer after that time will be disallowed.
4. Any male customer that is beyond their 26th birthday can no longer register but is required to provide documentation of their compliance to the Selective Service requirement in order to be considered eligible for any WIA Title I benefits and services.
- a. Acceptable forms of documentation can be found below in Section A.5.a.
 - b. Failure to produce authorized documentation requires that the individual acquire a *Status Information Letter (SIL)* from Selective Service indicating whether he was required to register.
 - 1) If the SIL indicates that he was not required to register, he can then be enrolled in WIA-funded services.
 - 2) If the SIL indicates that he was required and failed to register and now is unable to, as a result of being 26 years of age or older, he is to be disqualified from WIA-funded programs and services until it is determined that his failure was not knowing or willful.
 - a) All WIA services, beyond Core A non-staff assisted self-services should be discontinued, until it is determined that it was not a knowing and willful failure, as they will be disallowed.

5. The grantee must verify whether the customer has complied with the MSSA requirements and place documentation in the case file.
 - a. Verification may be made in any one of the following ways:
 - 1) Contacting the Selective Service at www.sss.gov to determine if the customer has registered.
 - 2) Phone the Selective Service Registration Office (telephone number 847-688-6888). A phone confirmation coupled with a case note will be sufficient for WIA verification.
 - 3) Acquiring any one of the following forms of documentation:
 - a) Selective Service Acknowledgement Letter;
 - b) Form DD-214, "Report of Separation;"
 - c) Screen printout from the Selective Service Verification site: www.sss.gov/RegVer/wfVerification.aspx;
 - d) Selective Service Registration Card;
 - e) Selective Service Verification Form (Form 3A); or
 - f) Stamped Post Office Receipt of Registration.
 - 4) Additional registration information can be found by visiting www.sss.gov or by viewing the "Who Must Register Chart" attached to this policy.
 - b. Once verification has been completed:
 - 1) If the male customer has complied with MSSA, he may be entered as such on IWDS and no further action is necessary.
 - 2) If the male customer has not complied with MSSA:
 - a) All WIA services, beyond Core A non-staff-assisted self-services should be discontinued, as they will be disallowed until it is determined that they are in compliance.
 - b) The grantee should advise the customer to go to www.sss.gov to register. Enrollment in non-core A, staff assisted, services should not occur until registration is confirmed.
 - c) However, if the customer has failed to comply with Selective Service and is over the age of 26, he can no longer register to achieve compliance and must fill out the RSIL form explaining why he did not register. A copy of the RSIL and the attached form, (DCEO/SS Form #001), must be signed by the male customer and maintained in the customer's file.
 - i) The RSIL form can be found by accessing <http://www.sss.gov/Status.html> and clicking on "Request for Status Information Letter." The instructions can be accessed at <http://www.sss.gov/PDFs/instructions.pdf>.
 - ii) The SIL may take from 4 to 6 weeks to arrive.
 - iii) If the SIL dictates that the customer was required and failed to register, the grantee must then determine the eligibility of the male customer based on local policy on knowing and willing failure to comply.

B. The Selective Service requirement is not an eligibility criterion for Trade customers.

- 1) In the event a Trade customer is not Selective Service compliant, case management must be conducted by a State Merit Staff employee.
 - a. This must begin as soon as it is known that the customer is not compliant with the MSSA.
 - b. In this event, contact the Illinois Department of Commerce and Economic Opportunity (DCEO) Trade Coordinator for guidance:

Ms. Susan Boggs
Illinois Department of Commerce and Economic Opportunity
Office of Employment and Training
500 East Monroe, 9th Floor
Springfield, IL 62701-1643
Susan.boggs@illinois.gov
(217) 558-2474

C. All grantees must have a written local policy to address compliance.

1. The policy must address the determination of non-knowing and non-willful failure to comply with the Selective Service requirement for those non-compliant males who can no longer register as a result of being 26 years of age or older.
2. The policy must indicate that the customer is required to complete the attached form for state verification. Furthermore, in cases of determining knowing and willful failure to comply for the purposes of granting a Locally Approved Selective Service Waiver, each customer is required to request the SIL.
3. Local areas may add more questions for their own investigation for granting a Locally Approved Selective Service Waiver. These questions must be included in their policy.
 - a. Local policy should encourage case managers to gather the information needed to approve a Locally Approved Selective Service Waiver in the 4 to 6 weeks in which the SIL is pending.
 - b. Additionally, local areas may approve eligibility and enroll a customer in services by granting a Locally Approved Selective Service Waiver prior to the arrival of the SIL. This is only an option under circumstances in which time is a factor for enrolling customers in

services or training and the 4 to 6 weeks that the SIL will take to arrive may harm the customers progress through the program.

- 1) Justification for the earlier granting of the waiver must be documented and placed within the customer's case file.
 - 2) Upon arrival of the SIL, the grantee must examine the letter to determine if the additional information gained through the SIL eliminates the possibility of a non-knowing and non-willful failure to register. In these instances, the grantee must retract the Locally Approved Waiver, the customer will no longer be eligible for WIA programs and should not receive any more non-core A, staff assisted, services.
4. The final decision regarding the customer's eligibility for WIA services or programs based upon the matter of Selective Service compliance rests with the grantee.
- a. Local policy must establish the individual that will be responsible for making decisions regarding Locally Approved Selective Service Waivers.
 - b. Based on the information submitted by the customer, including the information on the SIL and the responses to the state's questioner, the grantee must determine if he did not knowingly or willfully fail to register for Selective Service.
 - c. If the failure is deemed not knowing and willful then he may be granted the Locally Approved Selective Service Waiver and registered and enrolled in services or benefits.
 - d. If the failure is deemed knowing and willful then he must be denied WIA services. Any costs associated with services provided beyond Core A non-staff assisted self-services will be considered disallowed.
5. Individuals denied services must be advised of available WIA grievance procedures as outlined in WIA Policy Letter No. 04-PL-05.
6. Decisions are to be made on a case-by-case basis.
- D. Selective Service Compliance within IWDS will have three acceptable reporting choices that would allow a customer to be determined eligible for WIA services:
1. "Yes" - is appropriate for a male customer, born on or after January 1, 1960 and who has registered with Selective Service.

2. "Not Applicable" - is appropriate for any one of the following:
 - a. A female customer;
 - b. A male customer who has not reached 18 years of age; or
 - c. A male customer born before January 1, 1960.
3. "Locally Approved Waiver" - is appropriate for a male customer, 26 years of age and older who was born on or after January 1, 1960 and is not Selective Service compliant, but has demonstrated that his failure to comply was not knowing or willful, and has received a Locally Approved Selective Service Waiver.
 - a. The "Locally Approved Selective Service Waiver" may also be appropriate for any one of the following:
 - 1) A male customer who can prove that they had entered the country for the first time after their 26th birthday;
 - 2) A male who served continuously in the Armed Forces from ages 18-26; or
 - 3) A male who can show they were confined to a residence, hospital, institution or was incarcerated continuously from age 18-25.
4. If the answer to the question of Selective Service compliance is "No" in IWDS, the client will never be determined eligible for WIA.

VII. ACTION REQUIRED

This information is to be used by grantees to determine eligibility of customers under Title 1B of the Workforce Investment Act of 1998. It should be shared with all staff who may be involved in the eligibility determination of a customer.

VIII. INQUIRIES

Inquiries should be directed to DCEO, James Potts, (217) 557-5544 or james.potts@illinois.gov.

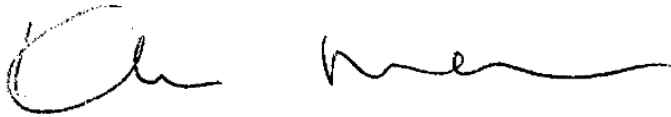
IX. EFFECTIVE DATE

This policy is effective on release.

X. EXPIRATION DATE

This policy will remain in effect until amended or rescinded by DCEO, Office of Employment and Training.

Sincerely,

A handwritten signature in black ink, appearing to read 'Therese McMahon', written in a cursive style.

Therese McMahon, Deputy Director
Office of Employment and Training

TM:pf

Attachment(s): A - Who Must Register Chart
B - DCEO/SS Form #001 - Selective Service Verification

Who Must Register Chart

With only a few exceptions, the registration requirement applies to all male U.S. citizens and male aliens residing in the United States who are 18 through 25 years of age.

Category	YES	NO
All male U.S. citizens born after December 31, 1959, who are 18 but not yet 26 years old, except as noted below:	X	
Military-Related		
Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes)		X*
Cadets and Midshipmen at Service Academies or Coast Guard Academy		X*
Cadets at the Merchant Marine Academy	X	
Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University		X*
National Guardsmen and Reservists not on active duty	X	
Delayed Entry Program enlistees	X	
ROTC Students	X	
Separatees from Active Military Service, separated for any reason before age 26	X*	
Men rejected for enlistment for any reason before age 26	X	
Civil Air Patrol members	X	
Aliens**		
Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired Form I-94, or Border Crossing Document DSP-150)		X
Permanent resident aliens (USCIS Form I-551)	X	
Special (seasonal) agricultural workers (I-9)	X	
Special agricultural workers (I-9)		X
Refugee, parolee, and asylee aliens	X	
Undocumented (illegal) aliens	X	
Dual national U.S. citizens	X	
Confined		
Incarcerated, or hospitalized or institutionalized for medical reasons		X*
Handicapped physically or mentally		
Able to function in public with or without assistance	X	
Continually confined to a residence, hospital, or institution		X

Information continued on next page

Chart Information Continued:

* Must register within 30 days of release unless already age 26, or already registered when released, or unless exempt during entire period age 18 through 25.

**Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. Citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States. Habitual residence is presumed whenever a national or citizen of the Republic of the Marshall Islands or the Federated States of Micronesia resides in the United States for more than one year in any status, except as a student or employee of the government of his homeland.

NOTE: Immigrants who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old were never required to register. Also, immigrants born before 1960 who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after March 29, 1975, were never required to register.

**The Selective Service System
Office of Public and Intergovernmental Affairs
National Headquarters
Arlington, Virginia 22209-2425**

June 26, 2009



Selective Service Verification Form

DCEO USE ONLY	
Certification Number:	
Grant Number:	

Verification Questions:

Please answer the following questions concerning your status in the selective service system. If you need more space to complete this form or include additional information, you can attach the explanation or item(s) in question to the end of this form.

1. Are you a male, born after January 1, 1960 who has reached the age of 18 or will within the next 30 days? Yes No

If you answered "no" to question 1, you have met the selective service eligibility criterion. However, if you turn 18, you must register with selective service within 18 days of your birthday. If you answered "yes," please continue to complete the form.

2. If you answered yes to question 1, have you registered with Selective Services? Yes No

If you answered "yes" to question 2, you have met the selective service eligibility criterion. If you answered "no" to question 2, please continue to complete the form.

3. Are you currently serving in the military on full-time active duty, attending the service academies, are disabled and confined to a residence, hospital or institution, or are hospitalized, institutionalized, or incarcerated? Yes No

If you answered "yes" to question 3, you have met the selective service eligibility criterion. However, you must register within 30 days after being released from the above exclusions if you have not reached your 26th birthday. If you answered "no" to question 3, please complete the remainder of the form.

4. Were you aware of the requirement for you to register with selective service? Yes No

5. If you were aware of the requirement to register, were you misinformed about the applicability of the requirements to you? Yes No

6. On what date did you first learn of the requirement to register with selective service and its pertinence to you? ____/____/____

7. What actions, if any, did you take when you learned of this requirement?

8. Did you deliberately fail to register with selective services? Yes No

9. If not, why did you fail to register?

10. During the time between your 18th and 26th birthday, what was your permanent mailing address? (If you had more than one permanent address during this time, include the other addresses on a separate sheet.)

Address: _____ P.O. Box: _____
 City: _____ State: _____ Zip Code: _____

Customer's Name: _____

Customer's Signature: _____ Date: ____/____/____