ALABAMA WORKFORCE INVESTMENT SYSTEM

Alabama Department of Economic and Community Affairs
Workforce Development Division
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November 29, 2011
GOVERNOR'S WORKFORCE DEVELOPMENT DIRECTIVE NO. PY 2011 – 08

SUBJECT: Training and Employment Guidance Letter (TEGL)

1. **Purpose.** This transmits the following TEGL:

Number	Date	Subject
11-11	11/23/11	Selective Service Registration Requirements for Workforce Investment Act and Wagner-Peyser-funded programs

2. **Discussion.** TEGL No.11-11 (attached) provides information on the Selective Service registration requirements for Workforce Investment Act-funded services established by the Workforce Investment Act (WIA) § 189(h), codified at 20 CFR 667.250, and the Military Selective Service Act (50 U.S.C. App. 453), codified at 32 CFR Part 1605.

   The Selective Service Registration Requirements, Compliance actions, acceptable documentation, and guidance for determining Knowing and Willful Failure to Register can be found in the attached TEGL.

3. **Action.** In order to be eligible to receive WIA-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to determine a person's Selective Service registration status can be found in the attached TEGL. However, the attached is not intended to provide an exhaustive list of registration requirements. Please visit the Selective Service website for more information about the registration requirements at www.sss.gov. The Selective Service System also provides a quick reference chart showing who must register located at http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf.

4. **Contact.** Questions regarding this TEGL should be directed to Sara Calhoun, Office of Workforce Development at 334.353.1632 or Sara.Calhoun@ADECA.Alabama.gov.

Steve Walkley, Division Director
ADECA, Workforce Development Division

Attachment: TEGL 11-11

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIA
	CORRESPONDENCE SYMBOL OWI-DWASWS
	DATE November 23, 2011

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 11-11

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE AND LOCAL WORKFORCE INVESTMENT BOARD DIRECTORS
COMPREHENSIVE AND AFFILIATE ONE-STOP CAREER CENTER DIRECTORS
DISCRETIONARY GRANTEES

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Selective Service Registration Requirements for Workforce Investment Act and Wagner-Peyser-funded programs

1. **Purpose.** This Training and Employment Guidance Letter (TEGL) provides information on the Selective Service registration requirements for Workforce Investment Act-funded services established by the Workforce Investment Act (WIA) § 189(h), codified at 20 CFR 667.250, and the Military Selective Service Act (50 U.S.C. App. 453), codified at 32 CFR Part 1605.

2. **Selective Service Registration Requirements.** Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days before or 30 days after their birthday.) This includes males who are:
   - Citizens of the U.S.;
   - Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and/or
   - Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

   For U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:
   - Men who are serving in the military on full-time active duty;
   - Men attending the service academies;
   - Disabled men who were continually confined to a residence, hospital or institution; and/or

RESCISSIONS	EXPIRATION DATE
None	Continuing

- 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.

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:
  1. Date of entry stamp in his passport;
  2. I-94 with date of entry stamp on it; or
  3. 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.

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. The Selective Service System also provides a quick reference chart showing who must register located at http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf.

3. **Ensuring Selective Service Compliance in the Public Workforce System.** In order to be eligible to receive WIA-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to determine a person's Selective Service registration status include:
   - Selective Service Acknowledgement letter
   - Form DD-214 "Report of Separation"
   - Screen printout of the Selective Service Verification site: www.sss.gov/RegVer/wfVerification.aspx. For males who have 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)
   - Stamped Post Office Receipt of Registration

Registration Requirements for Males Under 26

Before being enrolled in WIA-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 at www.sss.gov. If a male turns 18 while participating in WIA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIA-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIA-funded services must be suspended until he registers.

Registration Requirements for Males 26 Years and Over

Before enrolling in WIA-funded services, 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 in Section 3 must obtain a *Status Information Letter* from Selective Service indicating whether he was required to register. The *Request for Status Information Letter* form can be accessed at http://www.sss.gov/PDFs/infoform.pdf and the instructions can be accessed at http://www.sss.gov/PDFs/instructions.pdf. 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 WIA-funded service. **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 WIA-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 may be disallowed.

Determining Knowing and Willful Failure to Register

If the individual was required but failed to register with the Selective Service, the individual may only receive services if they establish by a preponderance of the evidence that the failure to register was not knowing and willful. The grantee, subgrantee, or contractor that enrolls individuals in WIA-funded activities, and is thereby authorized to approve the use of WIA grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented 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 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:

1. Service in 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, grantees should consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was "knowing", the authorized organization 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 authorized organization 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 an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that evidence shows that the individual's failure to register was knowing and willful, WIA services must be denied. Individuals denied services must be advised of available WIA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

4. **Inquiries.** Direct all inquiries to Employment and Training Administration Federal Project Officer.