



Montana Department of LABOR & INDUSTRY

2 Division: Workforce Services Division
3 Category: WIOA
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6 Policy No.: 05-18

Selective Service Registration Requirements Policy

8 **Background:** Males who are subject to, and have complied with, the registration requirements of the
9 Military Selective Service Act are eligible for participation in WIOA funded programs and services. WIOA requires
10 the Secretary of Labor ensure that an individual participating in any WIOA program or receiving any assistance
11 under the WIOA Act complies with the requirement of Section 3 of the Military Selective Service Act. All service
12 providers are charged with ensuring Selective Service compliance in the workforce system.

13 **Scope:** This policy applies to all service providers operating WIOA Title I programs, WIOA program manager(s),
14 WIOA fiscal officers, and the WIOA monitoring team. This policy is effective July 1, 2019.

15 Policy:

16 Selective Service Registration:

- 17 • All male participants between the ages of 18 and 25 must register with Selective Service.
- 18 • All participants enrolled in WIOA Adult, Dislocated Worker, and Youth programs must be in compliance
19 with Selective Service Registration under the Military Selective Service Act as a condition for
20 participation. The Who Must Register chart and FAQs/Fast Facts located on the Selective Service
21 System website, www.sss.gov, provides guidance about who must register and who may be exempt;
22 including immigrant men, 31 or older, who are seeking or applying for naturalization.
- 23 • All individuals who are born female and changed their gender are not required to register.
- 24 • All U.S. citizens or immigrants who are born male and changed their gender to female are still required
25 to register.

26 Selective Service Compliance:

- 27 • To be eligible to receive WIOA funded services, all males born on or after January 1, 1960 must present
28 documentation showing compliance with the Selective Service registration requirement. Acceptable
29 documentation that shows registration status includes:
 - 30 ○ Selective Service Acknowledgement letter;
 - 31 ○ Form DD-214 "Report of Separation";
 - 32 ○ Screen printout of the Selective Service Verification on the Selective Service website. Males who
33 have already registered can be verified using this website;
 - 34 ○ Selective Service Registration Card.
 - 35 ○ Selective Service Verification Form 3A; and/or
 - 36 ○ Stamped Post Office Receipt of Registration

37 **Registration Requirements for Males Under 26 Years of Age:**

- 38 • Male participants who enter the WIOA program at age 17 or younger and attain age 18 while
39 participating in the program must be registered for Selective Service within 30 days of their 18th
40 birthday (ie. within 30 days before or 30 days after) to remain eligible for WIOA services. Funds
41 expended on male participants not registered for Selective Service within 30 days of their 18th birthday
42 will be considered disallowed costs. Any male youth participant who attains age 18 while enrolled in
43 WIOA and refuses to comply with Selective Service Registration requirements will be exited from the
44 WIOA youth program. Youth would not be placed in follow up and there should be case notes in MWorks
45 that describe, in detail, the circumstances as to why services were not/could not be continued.

46 **Registration Requirements for Males 26 Years and Over:**

- 47 • Prior to being enrolled in a WIOA funded program, all males 26 years of age or older, must provide:
48 ○ Documentation of compliance with the Selective Service registration requirement; or
49 ○ Documentation verifying that they were not required to register; or
50 ○ Documentation establishing that their failure to register was not knowing and willful.
- 51 • Individuals who did not register for the Selective Service or who cannot provide any of the
52 documentation listed above must obtain a Status Information Letter from Selective Service indicating
53 whether he was required to register. The instructions and form to request the Status Information Letter
54 is available on the Selective Service website, www.sss.gov.
- 55 • The individual will need to describe, in detail, the circumstances that prevented him from registering
56 (e.g. hospitalization, institutionalization, incarceration, military service) and provide documentation of
57 those circumstances. The documentation should be specific as to the dates of the circumstances. If the
58 “Status Information Letter” indicates that an individual was not required to register for the Selective
59 Service, then he is eligible to enroll in WIOA funded services.
- 60 • If the “Status Information Letter” indicates that the individual was required to register and now cannot
61 because he is 26 or older, he is presumed to be disqualified from participation in WIOA funded activities
62 and services until it can be determined that his failure to register was not knowing and willful. Service
63 providers will be responsible for evaluating the evidence presented by the individual and determining
64 whether the failure to register was a knowing and willful failure.

65 **Determining Knowing and Willful Failure to Register**

- 66 • If an individual was required to register with Selective Service but failed to do so as determined by the
67 Status Information Letter or their own acknowledgement, the individual may only receive services if they
68 provide evidence to establish that the failure to register was not knowing and willful. Service providers
69 are responsible for evaluating the evidence presented by the individual and determining whether the
70 failure to register was a knowing and willful failure.
- 71 • The individual should be encouraged to offer as much evidence and in as much detail as possible to
72 support his case. Evidence may include an applicant’s written explanation and supporting
73 documentation of his circumstances at the time of the required registration and the reasons for failure
74 to register. Examples of documentation that may help in making a determination in these cases include:
75 ○ Service in Armed Forces. Documentation verifying that a man served honorably in the U.S.
76 Armed Forces such as the DD-214 form or his Honorable Discharge Certificate may be
77 considered sufficient evidence that his failure to register was not willful or knowing.
- 78 ○ Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning
79 reasons for not registering are also acceptable documentation that may be helpful to service
80 providers determining whether the failure to register was willful and knowing.
- 81 • In determining whether the failure was “knowing,” service providers should consider:
82 ○ Was the individual aware of the requirement to register?
83 ○ If the individual knew about the requirement to register, was he misinformed about the
84 applicability of the requirement to him (e.g. veterans who were discharged before their 26th
85 birthday were occasionally told that they did not need to register)?

- 86 ○ On which date did the individual first learn that he was required to register?
87 ○ Where did the individual live when he was between the ages of 18 and 26?
88 ○ Does the status information letter indicate that Selective Service sent a letter to the individual at
89 that address and did not receive a response?
- 90 • In determining whether the failure was “willful,” service providers should consider:
 - 91 ○ Was the failure to register done deliberately and intentionally?
 - 92 ○ Did the individual have the mental capacity to choose whether or not to register and decided not
93 to register?
 - 94 ○ What actions, if any, did the individual take when he learned of the requirement to register?
 - 95 • If the service provider determines it was not a knowing and willful failure and the individual is otherwise
96 eligible, services may be provided. If the service provider determines that evidence shows that the
97 individual’s failure to register was knowing and willful, WIOA service must be denied. Individuals denied
98 services must be advised of available WIOA grievance procedures. Service providers must keep
99 documentation related to all evidence presented in determination related to Selective Service.

100 Monitoring and Evaluation:

- 101 • A formal monitoring will be conducted by the entity designated by SWIB.

102 References:

- 103 • [TEGL 11-11, Change 1 - Selective Service Registration](#)
- 104 • [TEGL 11-11, Change 2 - Selective Service Registration](#)

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