

**Selective Service Registration Policy for the  
Northeast Ohio Consortium Council of Governments  
Workforce Innovation and Opportunity Act Policy C-02.**

**I. Purpose.**

The purpose of this policy is to outline the requirements for Selective Service System (hereafter "Selective Service") registration as mandated by the Workforce Innovation and Opportunity Act (WIOA) and the Military Selective Service Act (MSSA) for:

- Male participants born on or after January 1, 1960, ages 18 through 25 years old; and
- Male participants born on or after January 1, 1960, ages 26 and over who have not registered; and
- Male participants born on or after January 1, 1960 who are exempt from registering with Selective Service.

This policy applies to enrollment in the Youth, Adult, and Dislocated Worker programs.

**II. Effective Date.**

July 1, 2015.

**III. Background.**

Section 189 (h) of WIOA requires all participants receiving assistance or benefit under WIOA to comply with Selective Service registration requirements under the MSSA. Section 3(a) of MSSA requires male citizens of the United States who are born on or after January 1, 1960 and who are ages 18 through 25 years of age, to register for Selective Service at [www.sss.gov](http://www.sss.gov).

**IV. Requirements.**

The general rule set forth pursuant to the Military Selective Service Act ("MSSA") requires every male U.S. citizen and non-citizen national, and non-immigrant males not in compliance with their legal status in the country who are ages 18 through 25 years of age to register with the Selective Service. WIOA requires that males must register with Selective Service to participate in services and activities funded by WIOA.

**A. Exemptions to Selective Service Registration**

To the general rule set forth within the MSSA requiring males to register with the Selective Service, there are exceptions. Should an individual meet one or more of the exceptions set forth below, he is excused from the Selective Service registration requirement.

1. Cadets and Midshipmen at Service Academies.

2. Confined, incarcerated, or hospitalized or institutionalized for medical reasons. However, they must register within 30 days after being released if they not yet reached their 26<sup>th</sup> birthday.
3. Continually confined to a residence, hospital, or institution.
4. Females: While women officers and enlisted personnel serve with distinction in the U.S. Armed Forces, women have never been subject to Selective Service registration or a military draft in America.
5. Lawful non-immigrants on visas (i.e., diplomatic personnel, foreign students, tourists with expired forms). However, a non-immigrant who failed to maintain legal status for more than 30 days is required to register. A non-immigrant student who failed to maintain full-time student status is also required to register.
6. Military-related: Members of the Armed Forces on active duty.
7. Non-Citizen male: If he enters the U.S. as a permanent resident after he has already passed his 26<sup>th</sup> birthday, he is not required to register because he is over the age limit.
8. Special agricultural workers: Holders of I-688A; green card holder.
9. Students in Officer Procurement Programs at Military Institutions.
10. Special Category Exceptions.
  - a. Disabled men, or men with medical conditions: Neither the Military Selective Service Act nor the Presidential proclamation provide an exemption from registration because of a man's mental or physical condition unless Selective Service is provided with documented evidence that the man is hospitalized or institutionalized; or home-bound and unable to function outside the home, with or without assistance; or is in such a physical or mental condition that he would not comprehend the nature of his registration with the Selective Service System. A determination is then made by the Selective Service as to whether or not the man qualifies for exemption from registration.
  - b. Individuals who have had a sex change: Individuals who are born female and have a sex change are not required to register. U.S. citizens or immigrants who are born male and have a sex change are still required to register. In the event of a resumption of the draft, males who have had a sex change can file a claim for an exemption from military service if they receive an order to report for examination or induction.

- c. Only sons: Sole surviving sons must register and they can be drafted. However, they may be entitled to peacetime deferment if there is a military death in the immediate family.
- d. Former Illegal Aliens – Male aliens 26 years or older who entered the U.S. illegally and who were subsequently granted legal status by the INS (IRCA-legalized aliens) or who were born after December 31, 1959, can be registered in WIOA. It is important to remember that WIOA prohibits participation of an alien without legal status from INS, even if there is a determination that there is evidence to show the customer did not knowingly and willfully fail to register with Selective Service.

**B. Registration Requirements to be Performed by Area WIOA Staff.**

As part of the eligibility determination process for any male seeking the provision of Adult, Dislocated Worker, and/or Youth Services, WIOA staff shall adhere to this policy. For all male individuals who are being determined eligible, a WIOA staff member shall obtain the following:

1. last name;
2. complete Social Security #;
3. date of birth.

The WIOA staff member will then go to <https://www.sss.gov/regver/wfVerification.aspx>, and complete a Selective Service online verification search. A copy of the results will be printed by the WIOA staff accessing the same and placed in the individual's file as proof of the individual's Selective Service registration status.

**C. Determining Eligibility for Customers When the Individual has Registered.**

If the individual whose eligibility is in question has registered with Selective Service as demonstrated by an online verification search, the eligibility determination may proceed. A copy of the Social Security record search results placed in the file shall serve as proof of the same.

**D. Determining Eligibility for Customers who Failed to Register.**

1. Males ages 18 through 25.

If a male individual between the ages of eighteen and twenty-five (18-25) whose eligibility is in question has an online Selective Service record search result which indicates that the individual has not registered with Selected Service, WIOA Staff will direct the individual to register at [www.sss.gov](http://www.sss.gov). The individual's eligibility shall either be placed on hold or denied, until:

- a. the individual can establish that he has registered with Selective Service, with the online Selective Service record search result serving as proof of the same; or
- b. the individual successfully establishes with a Selective Service Status Information Letter that he requests and produces that demonstrates that that he was not required to register; or
- c. during the process set forth within Section IV. F, of this policy, the individual establishes that he was entitled to one of the exceptions set forth within Section IV., A., of this policy; or
- d. during the process set forth within Section IV. F, of this policy, the individual establishes that his failure to register was not knowing and willful.

2. Males ages 26 and older.

If a male individual age twenty-six (26) or older whose eligibility is in question has an online Selective Service record search result which indicates that the individual has not registered with Selected Service, and if the individual was born on or after January 1960, WIOA staff will consider the individual to be "ineligible" at least temporarily to participate in WIOA services. The individual's eligibility shall either be placed on hold or denied, until:

- a. the individual successfully establishes with a Selective Service Status Information Letter that he requests and produces that demonstrates that that he was not required to register; or
- b. during the process set forth within Section IV., F, of this policy, the individual establishes that he was entitled to one of the exceptions set forth within Section IV., A., of this policy; or
- c. during the process set forth within Section IV., F, of this policy, the individual establishes that his failure to register was not knowing and willful;

**E. Status Information Letters From the Selective Service.**

If an individual's online Selective Service record search result indicates that there is no matching record, the individual will be informed of the results, and will be asked to confirm the accuracy of the information set forth within Section IV., B., of this policy. If the information searched originally does not match, a second online search with updated information will occur. The individual will then be informed of the second online record's search results.

Anytime an online Selective Service searches results indicates there are no matching records, the individual will be informed of his right to seek a Request for Status Information Letter from Selective Service. Providing a copy of this policy to the individual shall accomplish

provision of that notice. 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>. If produced by an individual, a copy of the Status Information Letter will be placed in the individual's file as proof of the individual's Selective Service registration status.

In order to seek a Status Information Letter, the individual will need to describe, in detail, the circumstances that prevented him from registering and provide the documentation of such 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 services. If the Status Information Letter indicates that the individual was required to and did not register, he is presumed to be disqualified from participation in WIOA services until it can be determined that his failure to register was not knowing and willful.

A Status Information Letter from Selective Service is not required. WIOA staff may determine on its own if the failure to register was knowing and willful without first having the applicant request the Status Information Letter.

#### **F. Workforce Area Complaint Procedures.**

If an individual's eligibility is placed on hold or denied because of the Selective Service requirements set forth within this policy, the individual may file a complaint and seek relief from the same, pursuant to **Area Workforce WIOA Policy D-04**, and proceed pursuant to the resolution process set forth within that policy.

During the resolution process, the individual must establish eligibility as set forth within this policy. The individual bears the burden of proof on all evidentiary matters, and in establishing the authenticity of all evidence offered.

1. Proof Regarding Entitlement to one of the Exceptions to the Requirement to Register.

A valid, authentic Status Information Letter produced by the individual that establishes that the individual was not required to register with Selective Service shall be considered as irrefutable proof of eligibility for Selective Service registration requirements. Any other authentic documentation or evidence produced by an individual other than a Selective Service Status Information Letter must establish by a preponderance of evidence that the individual was more likely than not entitled to an exception to the requirement to register with Selective Service.

2. Proof Regarding the Lack of Registration was not Knowing and Willful.

Documentation presented to demonstrate that the lack of registration was not knowing and willful may include the individual's written explanation and supporting evidence 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. In order to establish consistency regarding the implementation of the requirement, the local area should consider the following questions when determining whether or not a failure to register is knowing and willful.

a. Questions Regarding Whether Failure was Knowing.

- 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?
- 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?

b. Questions Regarding Whether Failure was Willful.

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether or not to register and decide not to register?
- What actions, if any, did the individual take when he learned of the requirements to register?

If, after evaluating the evidence provided by the applicant, the local area staff determines that the failure to register was not knowing and willful, and he is otherwise eligible for WIOA, services may be granted.

However, if the determination is that the individual's failure to register was knowing and willful, WIOA services will be denied. Individuals denied services should be advised of the available complaint grievance procedures under WIOA. Decisions by the local area regarding selective service registration determinations are subject to WIOA grievance and appeal procedures. **See Area Workforce WIOA Policy D-04**

## V. Documentation.

WIOA staff will maintain accurate documentation in circumstances where either the individual is too old to register or meets any of the allowable exceptions to the Selective Service registration requirement. Such documentation must be maintained in the participant file following source documentation requirements outlined in **Area Workforce WIOA Policy C-09**, Source Documentation for WIOA Eligibility.

The Selective Service number is required to be reported, as appropriate, in the Ohio Workforce Case Management System (OWCMS).

The area will conduct oversight and monitoring of the implementation of all WIOA programming by all OMJ Center operators, partners, and/or providers pursuant to **Area Workforce Policy D-03**. Any issues discovered will be handled through the area's monitoring resolution process.

**VI. Technical Assistance.**


To get questions answered and technical assistance regarding this policy or issues regarding administration of WIOA, you are urged to contact the Executive Director of the NOC COG at [craigsernik@neohio.twcbc.com](mailto:craigsernik@neohio.twcbc.com).

The question/issue will be researched, analyzed, and a formal written response will be provided. If a second opinion is required, the director is not available, or there is no clear answer to the question/issue, either the Executive Director or any OMJ Center or provider staff may seek additional guidance by submitting the same to the Office of Workforce Development: [WIAQNA@jfs.ohio.gov](mailto:WIAQNA@jfs.ohio.gov); and by copying your request to the Executive Director of the NOC COG.

**VII. References.**

- Workforce Innovation and Opportunity Act, Public Law 113-128.
- 29 U.S.C. 3101 et seq.
- Section 3 of the Military Selective Service Act (50 U.S.C. App. 453).
- TEGL No. 11-11, Change 2.
- ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 14-XX, Source Documentation for WIOA Eligibility, (date).

**VIII. Signatures.**

  
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Joseph Misinec  
Area WIB Chair

9/16/15  
Date

  
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Dan Claypool  
Ashtabula County Commissioner  
Northeast Ohio Consortium Council of Governments,  
Chief Elected Official

8-5-2015  
Date

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Subsequent Revisions: