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### **Selective Service Appeal Process for ITA Grants**

**Purpose:** This policy provides guidance on Selective Service registration requirements for participation in Atlantic County Workforce Innovation and Opportunity Act (WIOA) funded services. This policy is intended to address those male customers who are interested in receiving WIOA-funded services but failed to register for Selective Service between their 18<sup>th</sup> and 26<sup>th</sup> birthday.

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This policy outlines the requirements for Selective Service System registration as mandated by WIOA and the Military Selective Services 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 and eligibility in the youth, adult and dislocated worker programs.

#### **Effective Date:**

#### **References:**

WIOA (Public Law 113-128) Section 189 (H)

- Title 50 United State Code “Military Selective Service Act, Appendix 453”
- Training and Employment Guidance Letter (TEGL) 11-11, Change 2- May 16, 2012;
- TEGL 8-98, Selective Service Registration-November 4, 1998;

#### **Background:**

Males who are subject to the registration requirements of the *Military Selective Service Act* (MSSA) must have complied with these requirements to be eligible for participation in Atlantic County WIOA-funded services. Under WIOA Section 189(h), the U.S. Secretary of Labor is required to ensure that each individual participating in a WIOA program, or receiving any assistance under WIOA Title I, has not violated Section 3 of the MSSA. This section requires that every male citizen and every other male residing in the United States must register with Selective Services between their 18<sup>th</sup> and 26<sup>th</sup> birthday. This includes males who are:

- Citizens of the U.S.;

- Non-citizens, including illegal aliens, legal permanent residents, season agricultural workers, and refugees who take up residence in the U.S. before their 26<sup>th</sup> birthday; and/or
- Dual nationals of the U.S. and another country regardless of whether they live in the US.
- Please visit the Selective Service website for more information about the registration requirements at [www.sss.gov](http://www.sss.gov).

Acceptable documentation to determine Selective Service registration status includes:

- Selective Service Acknowledgement letter;
- Form DD-214 “Report of Separation”;
- Screen Printout of the Selective Service Verification site: [www.sss.gov](http://www.sss.gov). ;
- Selective Service Registration Card;
- Selective Service Verification Form;
- Stamped Post Office Receipt of Registration;

### **Policy and Procedure:**

For potential male WIOA participants who are 26 years of age or older that failed to register with Selective Service:

The Atlantic County Workforce Development Board requires each male participant who failed to register with Selective Service prior to his 26<sup>th</sup> birthday and desires to receive WIOA-funded services to follow the prescribed three-step process:

**Step 1-** Potential participants must request a Status Information Letter from the Selective Service System. If the Status Information Letter indicates that the individual was not required to register with the Selective Service System, he may proceed with enrollment in services authorized and funded under Title I of the Workforce Innovation and Opportunity Act (WIOA).

If the Status Information Letter indicates that the individual was required to register and did not do so, he is presumed disqualified from participation in WIOA Title I services until it can be determined that his failure to register was not *knowing and willful*.

**Step 2-** Atlantic County One Stop staff will request that the potential participant complete the ‘Selective Service Compliance Form’. (see attachment) This form will provide the foundation for determining whether or not the failure to register was *‘knowing and willful’*. (This action is consistent with the guidance provided by the USDOL TEGL No. 11-11 Change 2.) The individual must fill out the form completely and provide any supporting documentation from third parties that will further validate his assertion that the failure to register was not *knowing and willful*. This could include a participant’s statement with a collaborating witness’s signature.

The following are examples of documentation that may be of assistance in making a determination in these cases:

- Copies of documents showing any periods of hospitalization, institutionalization, or incarceration occurring between their 18<sup>th</sup> and 26<sup>th</sup> birthdays;
- Third party affidavits from parents, teachers, employers, doctors having first-hand knowledge of the person’s circumstances occurring between their 18<sup>th</sup> and 26<sup>th</sup> birthday.
- The individual’s affidavit detailing the circumstances occurring between their 18<sup>th</sup> and 26<sup>th</sup> birthdays. An “Applicant Statement” can be used for this purpose with a collaborating witness’s signature.
- Legal resident who entered the country illegally as a child;

**Step 3-** The packet of information which includes the **Status Information Letter, Selective Service Compliance Form and any supportive documentation and affidavits**, will be submitted to a three-person panel within the Atlantic County Office of Workforce Development. The panel will be appointed by the Executive Director of the Atlantic County Workforce Development Board. Upon receipt of packet information, the panel will have one week from date of receipt, to determine whether or not the individual's failure to register was knowing and willful. The panel will notify the individual in writing of its decision. All panel decisions are final.

**Record Retention:** Designated staff will ensure that the Selective Service Compliance Form is placed in the applicant's file, noting that the customer's failure to register was not knowing or willful. For those individuals who are determined to have failed to register as a result of knowing and willful intent, WIOA services must be denied. The denial must be documented in the customer file and in AOSOS.

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