



March 20, 2024

Workforce Innovation and Opportunity Act Policy Letter No. 15-04.01

To: Workforce Innovation and Opportunity Act (WIOA) Local Workforce Development Boards (WDBs), Fiscal Agents, and OhioMeansJobs Center Operators

From: Matt Damschroder, Director

Subject: Selective Service Registration

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:

- Participants born male on or after January 1, 1960, ages 18 through 25 years old; and
- Participants born male on or after January 1, 1960, ages 26 and over who have not registered; and
- Participants born male 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

Effective Immediately

III. Background

Section 189 (h) of the WIOA requires all participants receiving assistance or benefit under WIOA to comply with Selective Service registration requirements under the MSSA. Section 3(a) of the 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.

IV. Requirements

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. Further information on who is required to register for selective services can be found at: [Who Needs to Register | Selective Service System : Selective Service System \(sss.gov\)](#).

Unless exempted, individuals will have registered for selective service to be eligible for and participate in services and activities funded by WIOA adult, dislocated worker, and youth programs.

An individual may obtain a Status Information Letter from Selective Service if he:

- Believes that he was not required to register; or
- Did register but cannot provide any documentation of the registration.

The Request for Status Information Letter form can be accessed at <https://www.sss.gov/verify/sil/>. 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.

It should be noted that the request for a Status Information Letter from Selective Service is not required. The local area may initiate its process to determine if the failure to register was knowing and willful without first having the applicant request the Status Information Letter.

A. Determining Eligibility for Customers who Failed to Register

An individual who is ages 18 through 25 and required to register with the selective service but has not must be directed to register at www.sss.gov prior to enrollment in the WIOA.

Individuals born male ages 26 and older, born on or after January 1, 1960, who have not registered with Selective Service, are considered "ineligible" to participate in WIOA services.

If the individual was required to but failed to register with the Selective Service as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive services if he can establish by a preponderance of the evidence that the failure to register was not knowing or willful. The WIOA staff is responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful per the local area's procedures.

Note: Former Illegal Aliens – Male aliens 26 years or older who entered the U.S. illegally and who were subsequently granted legal status by the United States Citizenship and Immigration Services (USCIS) 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 USCIS, 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. Local Workforce Development Area Procedures

Local areas must have written procedures in place to document compliance with the Selective Service registration requirement, documentation showing an applicant was not required to register, and to establish the process and criteria for documentation establishing that the failure to register 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.

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?

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 grievance procedures under WIOA. Decisions by the local area regarding selective service registration determinations are subject to the WIOA grievance and appeal procedures.

C. How to Register for Selective Service

Register Online

Of-age Individuals born males may register online with Selective Service: www.sss.gov.

At the Post Office

Selective Service "mail-back" registration forms are available at any U.S. Post Office. Of-age Individuals born male can complete the form and mail it to Selective Service, while those living overseas may register at any U.S. Embassy or consular office.

Check Box

Individuals born male ages 18 through 26 can register when completing the Free Application for Federal Student Aid (FAFSA) form.

High School

Individuals born male attending high school should consult with their guidance counselor regarding the identification of the assigned Selective Service registrar.

V. Documentation

Local areas need to 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 WIOAPL No. 15-07.3, Source Documentation for WIOA Eligibility.

The Selective Service number is required to be reported, as appropriate, in Ohio's designated case management system.

VI. Monitoring

Through the state's monitoring system, program monitors will review selective service documentation, including conducting a participant file review, during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

VII. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: OWDPOLICY@jfs.ohio.gov.

For technical assistance, you may send your request to the Office of Workforce Development: WIAQNA@jfs.ohio.gov.

VIII. **References**

[Workforce Innovation and Opportunity Act, Public Law 113-128](#)

[29 U.S.C. 3101 et seq.](#)

[Military Selective Service Act, 50 U.S.C. App. 453, 32 C.F.R. Part 1605.](#)

[USDOL, Training and Employment Guidance Letter No. 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Administration Funded Programs, \(May 16, 2012\).](#)

[ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-07.3, Source Documentation for WIOA Eligibility, \(August 14,2023\).](#)

Rescission

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-04 , Selective Service Registration, (July 15,2015)

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