



August 19, 2021

## **WIOA POLICY 5.1.1**

### **SELECTIVE SERVICE REGISTRATION REQUIREMENTS**

#### **I. POLICY**

This policy update ensures compliance with the U.S. Department of Labor issued guidance on Selective Service requirements for WIOA Title I programs.

Selective Service bases the registration requirement on gender assigned at birth and not on gender identity or on gender reassignment. Individuals who are born male and changed their gender to female are still required to register. Individuals who are born female and changed their gender to male are not required to register.

The legal authority is based on the Military Selective Service Act (MSSA), which does not address gender identity or transgender persons. In addition, Presidential Proclamation 4771 refers to "males" who were "born" on or after January 1, 1960. Thus, Selective Service interprets the MSSA as applying to gender at birth because Congress did not contemplate transgender persons or a person's gender identity when it required on "males" to register when the Selective Training and Service Act of 1940 was passed and amended by the Selective Service Act of 1948 to create the Selective Service System. Until Congress amends the MSSA or passes a separate law addressing transsexuals and gender identity, Selective Service must follow the intent of Congress when it required only males to register – the registration requirement is based on gender at birth.

For purposes of this policy, the term male refers to gender assigned at birth.

#### **5.1.1.1 Selective Service Guidelines**

For WIOA eligibility, the Grantee must ensure each male Customer has complied with the following Selective Service guidelines.

1. If the male customer has not reached age eighteen (18) and will not within the next thirty (30) days, or was born before January 1, 1960, the Military Selective Service Act (MSSA) is not applicable to that individual. Selective Service Compliance in the Illinois Workforce Development System (IWDS) is to be marked "not applicable" in this instance.

2. A male WIOA Participant who attains the age of eighteen (18) while participating in the program must be registered with Selective Service by the thirtieth (30th) day after his eighteenth (18th) birthday to remain eligible. He may also register in the thirty (30) days prior to his eighteenth (18th) birthday.
  - a. If the customer fails to register within thirty (30) days after his eighteenth (18th) birthday, all existing WIOA services that were obtained before the age of eighteen (18) must be closed.
    - 1) All WIOA services provided after the customer is determined to be non-compliant will be disallowed.
3. All other male customers must be registered prior to their twenty-sixth (26<sup>th</sup>) birthday, unless the following exceptions apply:
  - a. For United States citizens, Selective Service registration is not required while the male meets one (1) of the following conditions:
    - 1) A male who is serving in the military on full-time active duty;
    - 2) A male attending the service academies;
    - 3) A disabled male who is continually confined to a residence, hospital, or institution;
    - 4) A male who is hospitalized, institutionalized, or incarcerated; or
    - 5) If a male is released from any of the above conditions before he reaches the age of twenty-six (26), he is required to register with Selective Service within thirty (30) days of his release.
  - b. For non-United States citizens, Selective Service registration is required within thirty (30) days of becoming a resident unless the man falls within one (1) of the following categories:
    - 1) A male who came into this country for the first time after his twenty-sixth (26<sup>th</sup>) birthday.
      - a) Acceptable forms of documentation for this exemption include:
        - i) Date of entry stamp on passport;
        - ii) I-94 with date of entry stamp on it; or
        - iii) 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.
      - 2) A male who entered the country illegally after his twenty-sixth (26<sup>th</sup>) birthday and can provide proof that he was not living in the United States from age eighteen to twenty-five (18-25).
      - 3) A male on a valid, non-immigrant visa.
    - c. If a non-compliant male customer is receiving basic, staff assisted, or individualized *Career Services* at the time this policy becomes effective, he will receive a grace period of thirty (30) days to begin the compliance process. This can mean registration for males under twenty-six (26) or completion of the Request for Status Information Letter (RSIL) and the Selective Service Verification Form (*OET/SS Form #001*), see the Forms & Instructions tab, for males twenty-six (26) years of age and older. At the conclusion of the thirty (30)-day grace period, any non-compliant male that has not begun the compliance process will be removed from WIOA funded services and any costs associated with servicing this customer after that time will be disallowed.

4. Any male customer that is beyond their twenty-sixth (26th) birthday can no longer register, but is required to provide documentation of their compliance to the Selective Service requirement in order to be considered eligible for any WIOA Title I benefits and services.
  - a. Acceptable forms of documentation can be found below in Section 5.a.
  - b. Failure to produce authorized documentation requires that the individual acquire a *Status Information Letter (SIL)* from Selective Service indicating whether he was required to register.
    - 1) If the SIL indicates that he was not required to register, he can then be enrolled in WIOA-funded services.
    - 2) If the SIL indicates that he was required and failed to register and now is unable to, as a result of being twenty-six (26) years of age or older, he is to be disqualified from WIOA-funded programs and services until it is determined that his failure was not knowing or willful.
      - a) All WIOA services, beyond basic, non-staff assisted career services should be discontinued, until it is determined that it was not a knowing and willful failure, as they will be disallowed.
5. The grantee must verify whether the customer has complied with the MSSA requirements and place documentation in the case file.
  - a. Verification may be made in any one of the following ways:
    - 1) Contacting the Selective Service at the website indicated on the References tab to determine if the customer has registered.
    - 2) Phone the Selective Service Registration Office (see telephone number on the Contact Us Information page of the Selective Service website on the References tab). A phone confirmation coupled with a case note will be sufficient for WIOA verification.
    - 3) Acquiring any one (1) of the following forms of documentation:
      - a) Selective Service Acknowledgement Letter;
      - b) Form DD-214, "Report of Separation";
      - c) Screen printout from the Selective Service Verification site;
      - d) Selective Service Registration Card;
      - e) Selective Service Verification Form (Form 3A); or
      - f) Stamped Post Office Receipt of Registration.
    - 4) Additional registration information can be found by visiting the Selective Service website or by viewing the "Who Must Register Chart". (See the Attachments tab.)
  - b. Once verification has been completed:
    - 1) If the male customer has complied with MSSA, he may be entered as such in IWDS and no further action is necessary.
    - 2) If the male customer has not complied with MSSA:
      - a) All WIOA services, beyond basic, non-staff-assisted career services should be discontinued, as they will be disallowed until it is determined that they are in compliance.
      - b) The grantee should advise the customer to go to the Selective Service website to register. *Enrollment* in basic, staff assisted, or individualized career services should not occur until registration is confirmed.

- c) However, if the customer has failed to comply with Selective Service and is over the age of twenty-six (26), he can no longer register to achieve compliance and must fill out the RSIL form explaining why he did not register. A copy of the RSIL and the (OET/SS Form #001), see the Forms & Instructions tab, must be signed by the male customer and maintained in the customer's file.
  - i) The RSIL form and instructions can be found by accessing the Selective Service website indicated on the References tab and clicking on "Status Information Letter Request Form."
  - ii) The SIL may take from four to six (4-6) weeks to arrive.
  - iii) If the SIL dictates that the customer was required and failed to register, the grantee must then determine the eligibility of the male customer based on local policy on knowing and willing failure to comply.

#### **5.1.1.2 Trade Customer Eligibility Criteria**

The Selective Service requirement is not an eligibility criterion for Trade customers.

1. In the event a Trade Customer is not Selective Service compliant, case management must be conducted by a State Merit Staff employee.
  - a. This must begin as soon as it is known that the customer is not compliant with the MSSA.

#### **5.1.1.3 Written Local Policy Selective Service Compliance Requirements**

All grantees must have a written local policy to address compliance.

1. The policy must address the determination of non-knowing and non-willful failure to comply with the Selective Service requirement for those non-compliant males who can no longer register as a result of being twenty-six (26) years of age or older.
2. The policy must indicate that the Customer is required to complete the (OET/SS Form #001), see the Forms & Instructions tab, for state verification. Furthermore, in cases of determining knowing and willful failure to comply for the purposes of granting a Locally Approved Selective Service Waiver, each customer is required to request the Status Information Letter (SIL).
3. Local areas may add more questions for their own investigation for granting a Locally Approved Selective Service Waiver. These questions must be included in their policy.
  - a. Local policy should encourage case managers to gather the information needed to approve a Locally Approved Selective Service Waiver in the four to six (4-6) weeks in which the SIL is pending.
  - b. Additionally, local areas may approve eligibility and enroll a customer in services by granting a Locally Approved Selective Service Waiver prior to the arrival of the SIL. This is only an option under circumstances in which time is a factor for enrolling customers in services or training and the four to six (4-6) weeks that the SIL will take to arrive may harm the customers progress through the program.

- 1) Upon arrival of the SIL, the Grantee must examine the letter to determine if the additional information gained through the SIL eliminates the possibility of a non-knowing and non-willful failure to register. In these instances, the grantee must retract the Locally Approved Waiver, the customer will no longer be eligible for WIOA programs and should not receive any more basic, staff assisted, or individualized career services.
  - 2) Justification for the earlier granting of the waiver must be documented and placed within the customer's case file.
4. The final decision regarding the customer's eligibility for WIOA services or programs based upon the matter of Selective Service compliance rests with the grantee.
1. Local policy must establish the individual that will be responsible for making decisions regarding Locally Approved Selective Service Waivers.
  2. Based on the information submitted by the customer, including the information on the SIL and the responses to the state's questioner, the grantee must determine if he did not knowingly or willfully fail to register for Selective Service.
  3. If the failure is deemed not knowing and willful then he may be granted the Locally Approved Selective Service Waiver and registered and enrolled in services or benefits.
  4. If the failure is deemed knowing and willful then he must be denied WIOA services. Any costs associated with services provided beyond basic, non-staff assisted career services will be considered disallowed.
  5. Individuals denied services must be advised of available WIOA grievance procedures as outlined in the Complaint and Grievance Procedures (Nondiscrimination) section of the policy manual.
  6. Decisions are to be made on a case-by-case basis.

#### **5.1.1.4 Selective Service Requirement Reporting Choices**

Selective Service Compliance in IWDS will have three (3) acceptable reporting choices that would allow a Customer to be determined eligible for WIOA services:

1. "Yes" - is appropriate for a male customer, born on or after January 1, 1960 and who has registered with Selective Service.
2. "Not Applicable" - is appropriate for any one of the following:
  - a. A female customer;
  - b. A male customer who has not reached eighteen (18) years of age; or
  - c. A male customer born before January 1, 1960.

3. "Locally Approved Selective Service Waiver" - is appropriate for a male customer, twenty-six (26) years of age and older who was born on or after January 1, 1960 and is not Selective Service compliant, but has demonstrated that his failure to comply was not knowing or willful, and has received a Locally Approved Selective Service Waiver.
  - a. The "Locally Approved Selective Service Waiver" may also be appropriate for any one (1) of the following:
    - 1) A male customer who can prove that they had entered the country for the first (1st) time after their twenty-sixth (26th) birthday;
    - 2) A male who served continuously in the Armed Forces from ages eighteen to twenty-six (18-26); or
    - 3) A male who can show they were confined to a residence, hospital, institution, or was incarcerated continuously from ages eighteen to twenty-five (18-25).
4. If the answer to the question of Selective Service compliance is "No" in IWDS, the client will never be determined eligible for WIOA.

## II. INQUIRIES

Inquiries should be directed to Jim Potts at [james.potts@illinois.gov](mailto:james.potts@illinois.gov).

## III. ATTACHMENTS

1. Who Must Register Chart
2. Employment Barriers Definitions

Sincerely,



Julio Rodriguez, Deputy Director  
Office of Employment and Training

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## Who Must Register Chart

With only a few exceptions, the registration requirement applies to all male U.S. citizens and male aliens residing in the United States who are 18 through 25 years of age.

Category	YES	NO
All male U.S. citizens born after December 31, 1959, who are 18 but not yet 26 years old, except as noted below:	X	
<b>Military-Related</b>		
Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes)		X*
Cadets and Midshipmen at Service Academies or Coast Guard Academy		X*
Cadets at the Merchant Marine Academy	X	
Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University		X*
National Guardsmen and Reservists not on active duty	X	
Delayed Entry Program enlistees	X	
ROTC Students	X	
Separatees from Active Military Service, separated for any reason before age 26	X*	
Men rejected for enlistment for any reason before age 26	X	
Civil Air Patrol members	X	
<b>Aliens**</b>		
Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired Form I-94, or Border Crossing Document DSP-150)		X
Permanent resident aliens (USCIS Form I-551)	X	
Special (seasonal) agricultural workers (I-9)	X	
Special agricultural workers (I-9)		X
Refugee, parolee, and asylee aliens	X	
Undocumented (illegal) aliens	X	
Dual national U.S. citizens	X	
<b>Confined</b>		
Incarcerated, or hospitalized or institutionalized for medical reasons		X*
<b>Handicapped physically or mentally</b>		
Able to function in public with or without assistance	X	
Continually confined to a residence, hospital, or institution		X

Information continued on next page

***Chart Information Continued:***

\* Must register within 30 days of release unless already age 26, or already registered when released, or unless exempt during entire period age 18 through 25.

\*\*Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. Citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States. Habitual residence is presumed whenever a national or citizen of the Republic of the Marshall Islands or the Federated States of Micronesia resides in the United States for more than one year in any status, except as a student or employee of the government of his homeland.

**NOTE:** Immigrants who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old were never required to register. Also, immigrants born before 1960 who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after March 29, 1975, were never required to register.

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Office of Public and Intergovernmental Affairs  
National Headquarters  
Arlington, Virginia 22209-2425**

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## Employment Barriers Definitions

As defined in WIOA section 3(24), the following individuals are deemed to have a barrier to employment:

Type	Definition
Displaced Homemaker	<p>An individual who has been providing unpaid services to family members in the home and who:</p> <ol style="list-style-type: none"> <li>1. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; and who either:               <ol style="list-style-type: none"> <li>a. Has been depending on the income of another family member but is no longer supported by that income; or</li> <li>b. Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the family member.</li> </ol> </li> </ol>
Low income individual	<p>An individual who:</p> <ol style="list-style-type: none"> <li>1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through SNAP, TANF, SSI, or State or local income-based public assistance;</li> <li>2. Is in a family with total family income that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level.</li> <li>3. Is a homeless individual or homeless child or youth;</li> <li>4. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.),</li> <li>5. Is a foster child for whom State or local government payments are made; or</li> <li>6. Is an individual with a disability whose own income meets the eligibility income requirement of clause (2) but who is a member of a family whose income does not meet this requirement.</li> </ol>
Indian, Alaska Native, and Native Hawaiian	<p>An individual who meets the definition of the term:</p> <ol style="list-style-type: none"> <li>1. “Indian” as defined in subsections (d), (e), and (l) of section 4 of the Indian Self- Determination and Education Assistance Act (25 U.S.C. 450b);</li> <li>2. “Alaska Native” as defined in subsections (b) and (r) of section (3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b), (r)); or</li> <li>3. “Native Hawaiian” as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).</li> </ol>

Employment Barriers Definitions

Type	Definition
Individual with a disability	<p>An individual who:</p> <ol style="list-style-type: none"> <li>1. Has a physical or mental impairment that substantially limits one or more major life activities of such individual;</li> <li>2. Has a record of such an impairment; or</li> <li>3. Is regarded as having such an impairment.</li> </ol>
Older individual	An individual who is age 55 or older.
Ex-offender	<p>An adult or juvenile who:</p> <ol style="list-style-type: none"> <li>1. Is or has been subject to any stage of the criminal justice process and for whom workforce services may be beneficial; or</li> <li>2. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.</li> </ol>
Homeless individual	<p>An individual who lacks a fixed, regular, and adequate nighttime residence including:</p> <ol style="list-style-type: none"> <li>1. An individual who:               <ol style="list-style-type: none"> <li>a. Is sharing housing with others due to loss of housing, economic hardship, etc.;</li> <li>b. Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;</li> <li>c. Is living in an emergency or transitional shelter;</li> <li>d. Is abandoned in a hospital; or</li> <li>e. Is awaiting foster care placement.</li> </ol> </li> <li>2. An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or</li> <li>3. Migratory children who qualify as homeless because the children are living in circumstances listed above.</li> </ol>
Individual who is in, or has aged out of, the foster care system	<p>An individual who:</p> <ol style="list-style-type: none"> <li>1. Is in the foster care system;</li> <li>2. Has aged out of the foster care system;</li> <li>3. Has attained age 16 and left foster care for kinship guardianship or adoption;</li> <li>4. Is in an out-of-home placement.</li> </ol>
Individual who is an English language learner, has low levels of	<p>An individual who:</p> <ol style="list-style-type: none"> <li>1. Has limited ability in reading, writing, speaking, or comprehending the English language and whose native language is a language other than English or who lives in a family or community environment where a language other than English is the dominant language;</li> </ol>

## Employment Barriers Definitions

Type	Definition
literacy, or faces substantial cultural barriers	<ol style="list-style-type: none"> <li>2. Is unable to read, write, or speak English at a level necessary to function on the job, or in the individual's family, or in society; or</li> <li>3. Perceives him or herself as possessing attitudes, beliefs, customs or practices that influence a way of thinking, acting, or working that may serve as a hindrance to employment.</li> </ol>
Migrant or seasonal farmworker (MSFW)	An individual who is employed, or was employed in the past 12 months, in farm work of a seasonal or temporary nature, including those whose agricultural labor requires travel to a job site such that they are unable to return to a permanent place of residence within the same day.
Individual within two years of exhausting TANF eligibility	Recipients of TANF cash assistance who have received 36 months or more of their maximum 60 months of lifetime cash benefit payments.
Single parent	A single, separated, divorced, or widowed individual who has primary responsibility for one or more dependent children under age 18 or a dependent with a disability (including a single pregnant woman).
Long-term unemployed individual	An individual with a work history who is seeking employment and has been unemployed or underemployed for 10 non-consecutive weeks out of the last 26 weeks; or is without a work history or with a sporadic work history (e.g. temporary or seasonal employment, multiple terminations, etc.) who is seeking employment..