



Employ Milwaukee Administrative Memo				
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Dissemination	<input checked="" type="checkbox"/> Internal		<input checked="" type="checkbox"/> External	

**TO:** Employ Milwaukee Staff and WIOA Service Providers

**FROM:** Peter Coffaro, Chief Program Officer

**RE:** Selective Service Requirements for WIOA Applicants

**PURPOSE:** This memorandum communicates expectations and processes to ensure that Workforce Innovation and Opportunity Act (WIOA) Title I-B service providers properly document the compliance of male applicants with the Military Selective Service Act.

**BACKGROUND**

The federal WIOA requires that every individual participating in any program or activity established under WIOA Title I or receiving any assistance or benefit through WIOA Title I be in documented compliance with Section 3 of the Military Selective Service Act. Each male applicant 18 years of age or older must present evidence that he has registered with the Selective Service. Male WIOA participants must present evidence of Selective Service registration within 30 days of their 18<sup>th</sup> birthdate.

**REFERENCES**

- 29 USC 3101, Workforce Innovation and Opportunity Act (WIOA), §189(h)
- 50 USC App. 453, Military Selective Service Act, §3
- 20 CFR §683.225
- US Department of Labor Training and Employment Guidance Letter (TEGL) 11-11, Change 2
- Wisconsin WIOA Titles I-A and I-B Policy and Procedure Manual: Selective Service Guidance ([§8.2.101](#))

**POLICY**

The Wisconsin Department of Workforce Development (DWD) has issued Selective Service Guidance that outlines requirements for Selective Service registration in relation to WIOA enrollment and participation.

Local Forms

Employ Milwaukee has refined its Selective Service Form to incorporate federal Selective Service eligibility requirements, details about required documentation, and appropriate ASSET coding information. Highlights of the changes to the form are as follows:

- Equal Opportunity language about applicant rights in English, Spanish and Hmong, as required on vital documents.
- Fields to list the date of entry into the US and the age on that date for male, non-US citizens who came into the country for the first time after age 26. These fields were added at the direction of WI DWD following the compliance issues observed in the December 2018 monitoring.
- Attestation language and signature line for the applicant.
- Attestation language and signature line for the Career Planner or other staff person responsible for verifying the applicant’s documentation.
- Fields to list pertinent information for documentation verified by the Career Planner.

Eligibility for WIOA Title I Programs

Career planners must wait to provide participation-causing services until all aspects of eligibility are established and documented. A waiver of Selective Service registration requirements should only be requested from Employ Milwaukee when an individual failed to register despite being required to do so. A waiver is not a replacement or placeholder for proper documentation for an individual who was not required to register for the Selective Service (e.g. a veteran who was on active duty from ages 18-26 or a non-US male who came into the US for the first time after his 26<sup>th</sup> birthday).

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## Employ Milwaukee Administrative Memo #19-03

If an individual becomes 18 while participating in the Youth Program, he must register with Selective Service within 30 days of his 18th birthday. If he fails to register during that period, he is prohibited from continuing to participate in the Youth Program. Because Selective Service accepts early registrations as young as 17 years and 3 months, Career Planners working with youth are advised to consider early registrations for these youth. For young men who register early, Selective Service holds their information until 30 days before their 18th birthday, at which time the registration is processed. These early registrants will receive a registration acknowledgment card in the mail to confirm their Selective Service registration and to confirm the accuracy of all of the listed information.

WIOA Title I-B Youth Program Providers are prohibited from requesting that a youth applicant or participant sign “permission” for a staff person to register them for the Selective Service upon their 18<sup>th</sup> birthday. WI DWD has stated, “The WIOA Youth Program should be promoting participants' independence and ability to manage adult responsibilities, so it would seem to be appropriate to assist young people in taking the step to register themselves for Selective Service rather than performing this duty for them...Failing to register for Selective Service could have serious consequences for a participant later in life (i.e. felony punishable by a fine of up to \$250,000, a prison term up to five years, or combination of both). As such, a local service provider could face potential liability if staff fail to follow through on registering the participant for Selective Service.”

### Important Notes on Gender

The United States Selective Service System determines requirements for registration based on the gender that an individual was assigned at birth. Therefore, individuals designated female at birth are not required to register with Selective Service. Individuals designated male at birth are required to register, even if they have had gender reassignment surgery.

If an applicant to WIOA expresses a gender identity not captured by the binary choices of male and female, the Career Planner is advised to contact the Employ Milwaukee Program Specialist to discuss proceeding further. While a determination on compliance with federal Selective Service requirements, based on gender, is required prior to program enrollment, Employ Milwaukee requires that WIOA partners provide human-centric customer service that respects equal opportunity rights of the public.

### **REQUIRED ACTION(S)**

WIOA Title I-B Program Managers must ensure that all staff have and understand WI DWD’s Selective Service Guidance (Wisconsin WIOA Titles I-A and I-B Policy and Procedure Manual, [Policy 8.2.101](#)), the Employ Milwaukee Selective Service Form, and that all costs associated with providing WIOA Title I services to non-eligible individuals may be disallowed.

Each WIOA Title I-B service provider must review the attached Employ Milwaukee Selective Service Report. Career Planners must ensure that sufficient documentation for all active and exited participants on the report is located in the file and seek to obtain documentation that is not located in the file, case noting those attempts. Per WIOA Policy 8.2.101, all documentation related to an applicant or participant’s Selective Service registration status must be documented in the participant’s file and retained for a minimum of seven years or until all related grievances or legal action are concluded.

**CONTACT:** Toni White, Program Manager [Toni.White@EmployMilwaukee.org](mailto:Toni.White@EmployMilwaukee.org)

### **ATTACHMENT(S):**

- Wisconsin WIOA Policy 8.2.101: Selective Service Guidance
- Employ Milwaukee Selective Service Form, Form Date 01.07.19
- Employ Milwaukee Selective Service Waiver Request, Form Date 01.07.19
- Employ Milwaukee Selective Service Report, Dated 03.27.19



# WIOA Title I-A & I-B Policy & Procedure Manual

## Selective Service Guidance

Effective date: October 1, 2017

### Who Must Register for Selective Service

Almost all male U.S. citizens and immigrants between the ages of 18 and 25 are required to register with Selective Service. <sup>1</sup> Males born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday, if they are:

- U.S. citizens  
**Note:** People born in Puerto Rico, Guam, U.S. Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa and Swains Island are nationals and must register when they are "habitual residents" in the U.S., meaning they have resided in the U.S. for more than one year, except as a student or as an employee of the government of their homeland. <sup>2</sup>
- non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday
- dual nationals of the U.S. and another country regardless of whether they live in the U.S. <sup>3</sup>
- service members released from the military before their 26th birthday who had not previously registered (in this case, failure to register is not considered "knowing or willful")

U.S. citizens who are not required to register for Selective Service:

- females
- males who are serving in the military on full-time active duty
- males attending any of the five service academies (i.e. the U.S. Military, Naval, Coast Guard, Merchant Marine, and Air Force Academies)
- males with disabilities who are continually confined to a residence, hospital or institution  
**Note:** Males who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday. <sup>4</sup>

Non-U.S. citizens who are not required to register for Selective Service:

- non-U.S. males who came into this country (either legally or illegally) for the first time after their 26th birthdays. (They must provide proof that they were not living in the U.S. from age 18 through 25.)
- non-U.S. males on valid, non-immigrant visas <sup>5</sup>

Transgender/transsexual people designated female at birth are not required to register with Selective Service. Individuals designated male at birth are required to register, even if they have had sex reassignment surgery. <sup>6</sup>

More information about registration requirements and an online tool to verify registration status can be found on the [Selective Service website](#).

## Failure to Register for Selective Service

### Males Younger than 26

Males between the ages of 18 and 26 who have not registered with Selective Service can become eligible for WIOA Title I programs by [registering](#). If an individual turns 18 while participating in a WIOA Title I program, he must register with Selective Service no later than 30 days after his 18th birthday. If he fails to register during that period, he may not continue to participate in the Title I program. <sup>7</sup>

### Males Aged 26 and Older

Males aged 26 and older who have not registered can become eligible for WIOA Title I programs by providing documentation showing they were not required to register, or by demonstrating that their failure to register was not "knowing and willful." <sup>8</sup>

The local WDB or the service provider that enrolls individuals in WIOA Title I services is responsible for determining whether services should be provided. They must follow the steps below to determine whether an individual who was required to register but failed to do so acted knowingly and willfully. <sup>9</sup>

#### Step 1

The service provider must require the individual to provide either

- a [Status Information letter](#) from Selective Service <sup>10</sup>  
**OR**
- written acknowledgement that the individual failed to register.

#### Step 2

If the Status Information Letter indicates or the individual acknowledges that he was required to but did not register, the individual may submit information to demonstrate that failure to register was not knowing and willful. The following are examples of supporting documentation:

- evidence of honorable military service (e.g., a DD form 214 or Honorable Discharge Certificate) which may be considered sufficient to show that failure to register was not willful or knowing
- affidavits from parents, teachers, employers, doctors, etc. concerning the reasons the individual did not register. <sup>11</sup>

#### Step 3

The local WDB or service provider reviews the information to determine if there is enough support to make it more likely than not that the individual did not knowingly and willfully fail to register. Things to consider include:

- whether the individual was aware of a requirement to register, and if he understood that the requirement applied to him

- when the individual found out he was required to register
- whether Selective Service had the correct address(es) for the individual when he was between the ages of 18 and 26, and if the Selective Service sent letters to the correct address(es)
- if the individual had the mental capacity to decide whether to register
- if the individual mistakenly believed that he was registered
- what actions the individual took when he found out he was required to register <sup>12</sup>

If the local WDB or service provider determines that the failure to register **was not** knowing and willful, then WIOA services may be provided. <sup>13</sup>

If the service provider determines that the failure to register **was** knowing and willful, WIOA services cannot be provided and the individual must be advised of applicable grievance procedures. <sup>14</sup> **All costs associated with providing WIOA Title I services to non-eligible individuals may be disallowed.** <sup>15</sup>

The local WDB's or service provider's determination must be documented in the participant's case file and retained by the local WDB for at least seven years or until all related grievances or legal action are concluded. <sup>16</sup>

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<sup>1</sup> [Selective Service System Who Must Register Chart](#)

<sup>2</sup> [Selective Service System Who Must Register Chart](#)

<sup>3</sup> [TEGL 11-11, Change 2, p. 2](#)

<sup>4</sup> [TEGL 11-11, Change 2, p. 2](#)

<sup>5</sup> [TEGL 11-11, Change 2, p. 2](#)

<sup>6</sup> [Selective Service System Who Must Register Chart](#)

<sup>7</sup> [TEGL 11-11, Change 2, p. 3](#)

<sup>8</sup> [TEGL 11-11, Change 2, p. 3-5](#)

<sup>9</sup> [TEGL 11-11, Change 2](#)

<sup>10</sup> [Instructions and form for requesting a Status Information letter](#)

<sup>11</sup> [TEGL 11-11, Change 2, p. 3-5](#)

<sup>12</sup> [TEGL 11-11, Change 2, p. 3-5](#)

<sup>13</sup> [TEGL 11-11, Change 2, p. 5](#)

<sup>14</sup> [TEGL 11-11, Change 2, p. 3-5](#)

<sup>15</sup> [TEGL 11-11, Change 2, p. 4](#)

<sup>16</sup> 2 CFR 200.333 – 337; 20 CFR §683.150(h)(5); DWD RDA 00433000. Federal regulations require that records be retained for three years. DWD-DET has found that this is not long enough to complete federally mandated performance activities, and requires WDBs to save records for at least seven years.



### EMPLOY MILWAUKEE SELECTIVE SERVICE FORM

<b>Applicant Name</b>			<b>Date of Birth</b>	
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The US requires nearly all men 18 to 25 years old to register for the Selective Service. To register or verify your registration, visit <https://www.sss.gov>.

I AM A...		REQUIREMENTS
<input type="checkbox"/>	Female.	Selective Service registration not required.
<input type="checkbox"/>	Male age 18 or older who <b>has</b> registered with Selective Service.	My Selective Service Number is _____.
<input type="checkbox"/>	Male under age 18.	I must register within 30 days of my 18 <sup>th</sup> birthday. Failure to do so will end my services.
<input type="checkbox"/>	Male born before January 1, 1960.	Selective Service registration not required. I must provide documentation of my birthdate.
<input type="checkbox"/>	Male, US Citizen: <input type="checkbox"/> serving in the military on full-time active duty. <input type="checkbox"/> attending one of the five service academies. <input type="checkbox"/> with disabilities, under continual confinement.	Selective Service registration not required. I must provide documentation to substantiate the situation selected.
<input type="checkbox"/>	Male, non-US Citizen on a valid, non-immigrant visa.	I must provide verification of my valid, non-immigrant visa.
<input type="checkbox"/>	Male, non-US Citizen who came into this country for the first time after age 26. Date of Entry into the US: _____ Age on Date of Entry into the US: _____	I must provide documentation that I was not living in the US from age 18 to age 26.
<input type="checkbox"/>	Unregistered veteran who was on active duty continuously from age 18 to 26.	I must provide documentation of continuous active duty from age 18 to 26.
<input type="checkbox"/>	Male age 18 to 25 who <b>has not</b> registered with Selective Service.	I must register with Selective Service before I can receive services.
<input type="checkbox"/>	Male age 26 or older who has not registered.	I must request and receive a Selective Service waiver before I can receive services.

By signing below, I certify that the information provided on this form is true and accurate to the best of my knowledge and belief.

<b>Applicant Signature</b>	<b>Date Signed</b>

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**TSEEM CEEB!** Daim ntawv no muaj ib **cov lus tseem ceeb** qhia paub txog koj cov cai, cov luag hauj lwm thiab/los yog cov kev pab. Nws yog ib qho tseem ceeb uas koj yuav tau to taub cov lus nyob hauv daim ntawv no, thiab peb yuav muab tau cov lus no txhais ua koj hom lus yam koj tsis tau them nyiaj dab tsi. **Hu rau (414)-270-1759** yog xav tau kev pab kom muab cov lus nyob hauv daim ntawv no txhais rau koj kom koj to taub.



### EMPLOY MILWAUKEE SELECTIVE SERVICE FORM

**THIS SIDE OF THE FORM MUST BE COMPLETED BY STAFF**

Reference State Selective Service Guidance: <https://dwd.wi.gov/wioa/policy/08/08.2.101.htm>

	PARTICIPANT IS A...	ASSET INDICATOR	ACCEPTABLE DOCUMENTATION
<input type="checkbox"/>	Female.	Not Required	Signed Employ Milwaukee Selective Service Form.
<input type="checkbox"/>	Male age 18 or older who <b>has</b> registered with Selective Service.	Yes	Screen printout from <a href="https://www.sss.gov/RegVer/wfVerification.aspx">https://www.sss.gov/RegVer/wfVerification.aspx</a>
<input type="checkbox"/>	Male age 18 to 25 who <b>has not</b> registered with Selective Service.	No – Change to Yes after registration.	Screen printout from <a href="https://www.sss.gov/RegVer/wfVerification.aspx">https://www.sss.gov/RegVer/wfVerification.aspx</a>
<input type="checkbox"/>	Male under age 18.	Less Than 18 Years Old	Documentation of birthdate per Participant Eligibility Checklist.
<input type="checkbox"/>	Male, US Citizen born before January 1, 1960.	Not Required	Documentation of birthdate per Participant Eligibility Checklist.
<input type="checkbox"/>	Male, US Citizen with disabilities, under continual confinement	Not Required	Status Information Letter giving exemption from Selective Service
<input type="checkbox"/>	Male, US Citizen, currently serving in the military on full-time active duty or attending one of the five service academies.	Not Required	Current Military ID Card.
<input type="checkbox"/>	Male, non-US Citizen on a valid, non-immigrant visa.	Not Required	Please see <a href="https://www.sss.gov/Portals/0/PDFs/DocumentationList.pdf">https://www.sss.gov/Portals/0/PDFs/DocumentationList.pdf</a> .
<input type="checkbox"/>	Male, non-US Citizen who entered US for the first time after age 26. Date of Entry into the US: _____ Age on US Entry Date: _____	Not Required	<ul style="list-style-type: none"> <li>• Date of entry stamp in passport; OR</li> <li>• I-94 with date of entry stamp on it; OR</li> <li>• Letter from US Citizenship and Immigration Services showing date of entry to US (in conjunction with documentation of age).</li> </ul>
<input type="checkbox"/>	Veteran who was on active duty continuously from age 18 to 26.	Exempted Veteran	DD Form 214 showing the dates of military service.
<input type="checkbox"/>	Male age 26 or older who has not registered.	No – Change to Waived after approval.	Selective Service Waiver Request. Form AND Selective Service Waiver Response from Employ Milwaukee

<b>Document Verified</b>	Document Title:	<b>Document Verified</b>	Document Title:
	Issuing Authority:		Issuing Authority:
	Document Number:		Document Number:
	Date Issued:		Date Issued:
	Expiration Date (if any):		Expiration Date (if any):

By signing below, I attest that I have properly verified the documents referenced above.

<b>Staff Printed Name</b>	<b>Staff Agency</b>
<b>Staff Signature</b>	<b>Date Signed</b>





## EMPLOY MILWAUKEE SELECTIVE SERVICE WAIVER INFORMATION AND REQUEST FORM

Dear Program Applicant,

You have requested services provided through Employ Milwaukee, Inc. that are funded, at least in part, by the federal government. One of the eligibility requirements of federally-funded job training programs, including the Workforce Innovation and Opportunity Act (WIOA), is that nearly all males age 18 or older must be registered with the Selective Service System. However, you are not permitted to register after reaching age 26.

If you are age 26 or older and did not register, you may still be eligible to receive federally-funded workforce services. The Military Selective Service Act [50 U.S.C. App. 462(8)(g)] states:

A person may not be denied a right, privilege, or benefit under Federal law by reason of failure to present himself for and submit to registration under section 3 (section 453 of this Appendix) if –

- (1) the requirement for the person to so register has terminated or become inapplicable to the person; **and**
- (2) the person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register.

The purpose of this provision is to allow you to receive a Federal benefit (in this case workforce services) if you can show that you did not knowingly and willfully fail to register with Selective Service.

You may request a waiver from Employ Milwaukee allowing you to receive these workforce services by providing the reasons you did not register on the attached form. You may include a copy of any documentation that you believe is helpful and supports your reasons. Provide the form and any documentation to your Career Planner.

Employ Milwaukee will review your request and documentation, and then inform you in writing of its decision.

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**TSEEM CEEB!** Daim ntawv no muaj ib **cov lus tseem ceeb** qhia paub txog koj cov cai, cov luag hauv lwm thiab/los yog cov kev pab. Nws yog ib qho tseem ceeb uas koj yuav tau to taub cov lus nyob hauv daim ntawv no, thiab peb yuav muab tau cov lus no txhais ua koj hom lus yam koj tsis tau them nyiaj dab tsi. **Hu rau (414)-270-1759** yog xav tau kev pab kom muab cov lus nyob hauv daim ntawv no txhais rau koj kom koj to taub.





## EMPLOY MILWAUKEE SELECTIVE SERVICE WAIVER INFORMATION AND REQUEST FORM

I, **(Full Name)** [\\_Click or tap here to enter text.](#) \_\_\_\_\_, an applicant of a federally-funded training program, hereby acknowledge that I have received and understand the rules governing registering with the United States Selective Service System and receiving workforce services. I hereby request Employ Milwaukee to waive the Selective Service System registration eligibility requirement for the workforce services program to which I am applying.

Note: Employ Milwaukee must take your answers to the following questions into consideration when reviewing your waiver request, per US DOL Training and Employment Guidance Letter (TEGL) 11-11, Change 2.

Were you aware of the requirement to register with the Selective Service?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes (you knew about the requirement to register), why did you think this requirement did not apply to you?  <input type="checkbox"/> Does not apply. (I answered No to the above question.)	
On which date did you first learn that you were required to register?	<a href="#">Click or tap to enter a date.</a>
Were you a US Armed Forces service member released from the military before age 26?	<input type="checkbox"/> Yes <input type="checkbox"/> No
My reasons for failing to register are as follows:	
Attach additional pages or documentation if needed.	

I certify that the information provided on this document is true and accurate to the best of my knowledge and belief. I understand that providing false or incomplete information during the application process could lead to termination from the program and/or penalties as specified by law. By signing below, I attest to the accuracy of this form.

	<a href="#">Click or tap to enter a date.</a>
Applicant Printed Name	Date of Birth
	<a href="#">Click or tap to enter a date.</a>
Applicant Signature	Date Signed