LOS ANGELES COUNTY
WIA YOUTH, WIA ADULT, SPECIAL NEEDS and CalWORKs YOUTH JOBS BULLETIN

NUMBER:YTH01-07 **SUBJECT: SELECTIVE SERVICE REGISTRATION**
DWA-00-007
SNB-003
CalWRK01-02

DATE: 02/06/01 **EFFECTIVE DATE: IMMEDIATELY**

TO: ALL WIA SERVICE PROVIDERS

The purpose of this bulletin is to provide guidance to WIA Service Providers on applying the Selective Service registration requirement.

The Workforce Investment Act (WIA) in Section 189(h) requires the Secretary of Labor to ensure that any individual participating in the program has not violated Section 3 of the Military Selective Service Act (50 United States Code (U. S. C.) App. 453).

Every male citizen, and every other male residing in the United States must register with the Selective Service System (SSS) between their 18th and 26th birth dates. Only those males who have complied with the registration requirements of the Military Selective Service Act (MSSA) are eligible for participation in WIA funded programs and services.

When determining the eligibility for males of the age of 26 who failed to register with the SSS, staff must consider whether the failure to register was knowing and willful.

The Training and Employment Guidance Letter (TEGL) 8-98, issued by the Department of Labor (DOL) November 4, 1998, should be used for guidance regarding selective service registration issues.

Attached is EDD Information Bulletin No. WIA B00-31 which provides more details on selective service registration.

If you have any questions, please contact Sandra Woodward at (213) 738-4837.

KENNETH KESSLER, Director
Workforce Investment Programs

INFORMATION BULLETIN

Employment Development Department
State of California

WORKFORCE INVESTMENT ACT

Number: WIAB00-31

Date: September 28, 2000
Expiration Date: 6/30/01
69:75:va:4138

TO: LOCAL WORKFORCE INVESTMENT AREAS
CHIEF ELECTED OFFICIALS
CALIFORNIA WORKFORCE INVESTMENT BOARD STAFF
WDB STAFF

SUBJECT: SELECTIVE SERVICE REGISTRATION

The Workforce Investment Act (WIA) in Section 189(h) requires the Secretary of Labor to ensure that any individual participating in the program has not violated Section 3 of the Military Selective Service Act (50 United States Code (U.S.C.) App. 453). The Training and Employment Guidance Letter (TEGL) 8-98, issued by the Department of Labor (DOL) November 4, 1998, should be used for guidance regarding WIA selective service registration issues.

The Local Workforce Investment Areas (LWIA) and their designees should follow TEGL 8-98 when determining the eligibility of males over the age of 26 who failed to register with the Selective Service System (SSS). When evaluating the documentation and statements provided by the applicant, staff must consider whether the failure to register was knowing and willful. Persons with less than honorable discharges from the armed forces and less than total paralysis may be determined eligible by demonstrating that they did not knowingly and willfully fail to register with the SSS.

If you have any questions, please contact your regional field representative or Jean Cole, Local Policy Guidance Unit, at (916) 654-8284.

/S/ BILL BURKE
Chief

Attachment

OCT 06 RECD

**********FORMATTED FOR ELECTRONIC TRANSMISSION**********

U.S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION JTPA/SSS CORRESPONDENCE SYMBOL TDCP DATE November 4, 1998

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 8-98

TO: ALL STATE JTPA LIAISONS
ALL STATE EMPLOYMENT SECURITY AGENCIES
ALL STATE WORKER ADJUSTMENT LIAISONS
ALL ONE-STOP CAREER CENTER SYSTEM LEADS

FROM: DAVID HENSON
Director
Office of Regional Management

SUBJECT: Selective Service Registration

1. Purpose. To provide updated guidance to Job Training Partnership Act (JTPA) grantees on applying the Selective Service registration requirement and to rescind TEIN No. 20-94.

2. References. JTPA §604, Enforcement of Military Selective Service Act, as amended (MSSA); Training and Employment Guidance Letter (TEGL) No. 4-89; and Training and Employment Information Notice (TEIN) No. 20-94.

3. Background. Only those males who are subject to, and have complied with, the registration requirements of MSSA are eligible for participation in JTPA-funded programs and services. Section 604 of the JTPA, as amended, requires the Secretary of Labor to insure that each individual participating in any JTPA program, or receiving any assistance under the Act, has not violated the requirements of §3 of the MSSA (50 U.S.C. App. 453). This section requires that every male citizen, and every other male residing in the United States must register with the Selective Service System (SSS) between their 18th and 26th birth dates. The Director of the SSS and the Secretary of Labor are required to cooperate in carrying out these provisions.

RESCISSIONS	EXPIRATION DATE
TEIN NO. 20-94	Continuing

DISTRIBUTION

In 1986, the MSSA was amended by Public Law 99-661, §1366 to require the registration status to be examined and confirmed as follows:

(g) 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 [50 U.S.C. App. 453] 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 Conference Report to the amendment clarified "that a nonregistrant is not to be denied any Federal benefit if he can demonstrate that his failure to register was not knowing or willful." This provision was added "in order not to penalize an individual with an obvious disqualifying handicap, such as total paralysis of the limbs, or an individual who has been honorably discharged from the armed services." (see TEGL No. 4-89)

Occasionally, males who were subject to SSS registration, but did not register and are now beyond their 26th birth date, apply for assistance from the JTPA program. In the past, when grantees completed the "advisory form" for such applicants, the SSS responded with an "advisory opinion letter" which, in effect, ruled on an applicant's compliance with the JTPA's requirement to register with the SSS.

Since January 1995, the SSS has been issuing "status information letters" indicating an applicant's Selective Service Status, in lieu of the previous system of "advisory opinion letters." This current practice is pursuant to SSS's determination that final decisions for disbursing federally financed domestic benefits, services, rights, or training, rests solely with the various provider agencies which disburse them. In the case of JTPA, these provider agencies are the SDAs and SSAs.

4. Policy. The SDA/SSA programs disbursing services or benefits have the responsibility for deciding the above cases and determining eligibility for services or benefits on a case-by-case basis.

a. Males between the Ages of 18 and 26. Individuals who are required to register, but have not registered, and have not yet reached their 26th birth date, should be referred to SSS for registration prior to enrollment in JTPA.

b. Males Over the Age of 26 Who Did Not Register. Any male over 26 years old who possesses a "Status Information Letter" from the SSS indicating that he was required to register, but did not, and now cannot be registered because the law does not allow for registration after the age of 26, is presumptively disqualified from participation in JTPA-funded services and activities. The burden then falls on the applicant to provide evidence explaining why he failed to register with the SSS.

This could include a written explanation from the applicant, stating his circumstances at the time of the required registration, and his reasons for not registering, together with supporting documentation.

Since the JTPA grantee is now authorized to make these determinations for eligibility purposes, the JTPA staff should evaluate the evidence presented by the applicant and make a determination regarding whether or not the applicant's failure to register with the SSS when he was required to register is consistent with the above cited amendment to P.L. 99-661, §1366. If after reviewing the evidence, the SDA/SSA determines that the preponderance of the evidence shows that a man's failure to register was not a knowing and willful failure and he is otherwise eligible, services may be granted. If the determination is that the evidence shows the applicant's failure to register was knowing and willful, JTPA services must be denied. Applicant's denied services, should be advised of the available grievance procedures under JTPA. Decisions by the local program are appealable to the State (see item 6. Below).

5. Examples of Documentation/Evidence Which Could be Provided by the Applicant. A nonregistrant should be encouraged to offer as much evidence and in as much detail as possible to support his case. Following are examples of documentation/evidence that may be of assistance to SDAs/SSAs in making a determination in these cases:

   a. Service in Armed Forces. A man provides evidence that he served honorably in the U.S. Armed Forces by submitting a copy of his DD Form 214 attesting to his service, or a copy of his Honorable Discharge Certificate. Such documents may be considered prima facie evidence that his failure to register with the SSS was not willful or knowing.

   b. Aliens Entering U.S. On or After Age 26. Alien males who entered the U.S. on or after attaining their 26th birthday are exempt from the Selective Service registration requirements. Immigration and Naturalization Service (INS) Form I-94 (Arrival/Departure Record) and INS Form I-551 (Alien Registration Receipt Card commonly called the "green card") held by aliens will show the birth date of the alien. Also, INS has granted legal status and employment authorization to some lawful seasonal agricultural workers (SAWs) and some formerly illegal aliens under the 1986 Immigration Reform and Control Act (IRCA).

   c. Immigrant Aliens. Immigrant aliens, and refugees, parolees, asylees, SAWs, and IRCA-legalized aliens with work permits can be enrolled into JTPA programs only after an SSS registration or exemption is established as outlined above. INS Form I-688 (Temporary Resident Card) will be helpful in establishing the alien's status.

   d. Former Illegal Aliens. Male aliens 26 years of age 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, but who are not registered with the SSS can be enrolled into JTPA only after a "status information" letter (formerly called an "advisory opinion letter") has been obtained from SSS. If SSS issues a status information letter that it has no evidence that such individuals knowingly and willfully failed to register, the individuals should provide the SDA/SSA reasons why SSS has no evidence of their registration, and in so doing, provide evidence to convince the SDA/SSA that they did not knowingly or willfully fail to register. The individuals can then be enrolled into JTPA programs, if they are otherwise eligible.

If SSS is silent on this question, then the SDA must make the determination, as described above. (see TEGL No. 4-89, Item 5.) [It is important to remember that §167(a)(5) of JTPA prohibits participation of an alien without, legal status from INS, even if there is a determination that there is evidence to show the applicant did not knowingly and willfully fail to register with the SSS. (see TEGL No. 4-89, Item 5.)]

e. Non-Immigrant Aliens. Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families; foreign students; and tourists with unexpired Forms I-94, I-95A or Border Crossing Documents I-185, I-186, I-586, or I-444) are not required to register with the Selective Service, but must be authorized to work in the United States under §167(a)(5) to be eligible for JTPA.

f. Third Party Affidavits. Third Party Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to SDAs/SSAs in making determinations in cases regarding willful and knowing failure to register with the SSS.

6. Grievance/Appeal Procedures. The JTPA and its regulations provide a system for handling grievances, complaints, hearings, and appeal rights under JTPA. The specific procedures to be followed are developed at the local and State levels in accordance with the provisions of the Act and the regulations at 20 CFR Part 627 Subpart E. Under JTPA, the State is responsible for making sure that there is a process in place to handle JTPA complaints/appeals at the local level. If a person does not receive a decision at the local level within 60 days of filing a complaint or grievance or is dissatisfied with the decision they receive, they have the right to request a review of their complaint by the State. Please note that under Federal rules, the State's decision is final.

7. Action Required. States are requested to ensure that the information contained in this issuance is provided to all SDAs/SSAs, and other staff responsible for JTPA eligibility determinations and/or reviews.

8. Inquiries. Questions may be directed to your Regional Office. Additional information is available at the SSS web site: http://www.sss.gov/ . States, SDAs, and SSAs are encouraged to contact their legal staff if further assistance is required as local and State policies are developed.