



INDIANA  
**WORKFORCE**  
DEVELOPMENT

**FORMAL COMMUNICATION**

**TO:** Regional Operators  
Indianapolis Private Industry Council  
Directors of Operations for Northern & Southern Indiana  
All WorkOne Integrated Staff

**FROM:** Amy L. Smith-Rubeck, MA, LMHC *Michael B. Young for*  
Director, Policy Unit

**DATE:** February 26, 2008

**Technical Assistance Bulletin  
TAB 2007-09  
Selective Service Registration**

**Content**

Technical Assistance Bulletin (TAB) 2003-001, dated October 8, 2003, entitled, "WIA Citizenship and Registration for Selective Service" is rescinded and being rewritten with this TAB. The content remains relatively the same with one new additional requirement:

Military Selective Service amendments require all male US citizens (regardless of where they live) and male immigrants residing in the United States (permanent resident non-citizens) to register with the Selective Service System within 30 days of their 18<sup>th</sup> birthday. Male applicants who enter the WIA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service by the 30<sup>th</sup> day after their 18<sup>th</sup> birthday to remain eligible for WIA services. A re-determination of eligibility for WIA is not required but the Federal law establishing Selective Service must be followed. Funds expended on male participants not registered for Selective Service by the 30<sup>th</sup> day after their 18<sup>th</sup> birthday may be considered disallowed costs. Because regional areas may need to contact multiple youth to be in compliance with this requirement, regional areas have until June 30, 2008 to update youth currently in TrackOne.

Please see Attachment A for complete information concerning Selective Service registration.

Questions regarding this TAB should be directed to Jennifer Biddle, Planning Analyst, at 317/232-7459 or by email at [jbiddle@dwd.in.gov](mailto:jbiddle@dwd.in.gov).

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TAB Number	Subject Matter
2007-09	Selective Service Registration
2007-08	Clarification of IC 22-4.5-7-6, IC 22-4.5-7-7 and IC 22-4.5-7-8 Restrictions on Regional Workforce Board Members, Regional Operators, and Service Providers
2007-07	Individual Employment Plans
2007-06	Trade Readjustment Allowance (TRA) Income Support
2007-04 Change 1	TAA Training Waivers, the Extension Process and Waiver Reviews
2007-05	WOTC Revised Forms
2007-04	TAA Training Waivers, the Extension Process and Waiver Reviews
2007-03	UI Eligibility Determination Communications
2007-02 (reissue)	Expansion of Technical Assistance through TABs
2007-01	Revision to Employment Eligibility Verification Form I-9
2006-08	Military Service Members/Spouses as WIA Dislocated Workers
2006-07, Change 1	Clarification - Guidance from the U.S. Department of Labor
2006-07	Guidance from the U. S. Department of Labor
2006-06, Change 1	Clarification - Out-of-School Youth Definition
2006-06	Out-of-School Youth Definition
2006-05	WorkKeys Certificates under the Youth Common Measures
2006-04	Repeating Classes or Tests Funded by the Workforce Investment Act
2006-03	Discontinuation of the Certificates of Technical Achievement Program
2006-02	Trade Adjustment Assistance - Qualifying Separation Date for Workers' Compensation
2006-01, Change 1	Clarification on DWD Communication 2005-26 (rescinded 8-22-07)
2006-01	Clarification on DWD Communication 2005-26 (rescinded 8-22-07)
2005-008	Youth as Displaced Homemakers
2005-007	Documentation Requirements – Katrina Victims
2005-006	Modifying Indiana's Eligible Training Provider List
2005-005	Special Endorsement for Indiana School Bus Drivers
2005-004	General Studies Degrees
2005-003	High School Diplomas for Individuals with Disabilities
2005-002	Incumbent Worker Councils
2005-001	Incentive Payments to WIA Participants
2004-001	WorkKeys Certificates
2003-007	Basic Skills Deficiency
2003-006	CPR or First Aid as a Credential
2003-005	Driver's License as a Credential
2003-004	"Temporary" Employee Eligibility for WIA Services
2003-003	Service Tiers & Partner Services
2003-002	Intensive and Training Services
2003-001	WIA Citizenship and Registration for Selective Services – (rescinded 2-26-2008)
2003-000	Workforce Investment Act Technical Bulletins

## Attachment A

### Workforce Investment Act Selective Service Registration

Section 189(h) of the Workforce Investment Act (WIA) and 20 CFR Part 667.250 require that a determination of Selective Service registration status be made *prior to* enrollment in WIA-funded activities and services. Only those male clients in compliance with the registration requirements of the Military Selective Service Act (MSSA, 50 USC App. 453), as amended, are eligible to participate in WIA-funded activities and services.

Every male citizen between 18 and 26 years of age and every other male of like age legally residing in the United States is required to register with the Selective Service System (SSS). Section 189(h) of WIA requires the Secretary of Labor to ensure that individuals participating in WIA activities and services, or receiving assistance under WIA, have not violated these MSSA requirements. The Director of the SSS and the Secretary of Labor also are required to cooperate in carrying out these provisions.

In 1986, MSSA was amended by Public Law 99-661 to require an individual's 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 USC 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 non-registrant 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 Training and Employment Guidance Letter (TEGL) 4-89)

SSS has determined that the final decisions on disbursement of federally financed domestic benefits, services, rights, or training rest solely with the various provider agencies that disburse them. In the case of WIA in Indiana, Indiana's two workforce investment boards are the provider agencies. In turn, the Workforce Investment Board for the Balance of State has given the responsibility to the eleven regional workforce boards. The Marion County Workforce Investment Board and the eleven regional workforce boards are responsible for issuing policy on determining eligibility for Selective Service. Decisions are to be made on a case-by-case basis.

The decision on “not willful and knowing” is to be made by staff and should be based on a “preponderance of evidence.” Such decisions should be in compliance with Federal, State and local board policy/guidance. If staff determines that failure to register was not knowing and willful failure, and the client is otherwise eligible, services may be granted. If the evidence shows that the client’s failure to register was knowing and willful, WIA services must be denied.

Note: Applicants denied services must be advised of available WIA grievance procedures. Board decisions may be appealed to the State.

**Male applicants who enter the WIA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service by the 30<sup>th</sup> day after their 18<sup>th</sup> birthday to remain eligible for WIA services. A re-determination of eligibility for WIA is not required but the Federal law establishing Selective Service must be followed. Funds expended on male participants not registered for Selective Service by the 30<sup>th</sup> day after their 18<sup>th</sup> birthday may be considered disallowed costs. Because regional areas may need to contact multiple youth to be in compliance with this requirement, regional areas have until June 30, 2008 to update youth current in TrackOne.**

The Selective Service’s web-site ([www.sss.gov](http://www.sss.gov)) in addition to the chart on the following page will provide additional guidance.

## Who Must Register

Category	Yes	No
All male US citizens born after December 31, 1959 who are 18 but not yet 26 years old, except as noted below:	Yes	
<b>Military related</b> Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes).		No*
Cadets and Midshipmen at Service Academies or Coast Guard Academy.		No*
Cadets at the Merchant Marine Academy.	Yes	
Students in Officer Procurement Programs at the Citadel, North Georgia College, Norwich University and Virginia Military Institute.		No*
National Guardsman and Reservists not on active duty.	Yes	
Delayed Entry Program enlistees.	Yes	
ROTC Students.	Yes	
Separatees from Active Military Service, separated for any reason before age 26.	Yes*	
Men rejected for enlistment for any reason before age 26.	Yes	
Civil Air Patrol members.	Yes	
<b>Aliens**</b> Lawful non-immigrants on visas (e.g. diplomatic and consular personnel and families, foreign students, tourists with unexpired Forms I-94, I-95A, or border crossing Documents I-185, I-58 or I-444).		No
Permanent resident aliens.	Yes	
Special (seasonal) agricultural workers (I-688).	Yes	
Special agricultural workers (I-688A).		No
Refugee, parolee, and asylee aliens.	Yes	
Undocumented (illegal) aliens.	Yes	
Dual National U.S. citizens.	Yes	
<b>Confined</b> Incarcerated, or hospitalized or institutionalized for medial reasons.		No*
<b>Handicapped physically or mentally</b> Able to function in public with or without assistance.	Yes	
Continually confined to a residence, hospital or institution.		No

\* Must register within 30 days of release unless already age 26, or already registered when released, or unless exempt during entire period age 16 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.