

# Northwest Workforce Council

## POLICY AND PROCEDURE DIRECTIVES

**EFFECTIVE DATE:** July 1, 2001

**SUBJECT:** Use of Sectarian Work/Training Sites

**REFERENCE:** WIA 01-6

**Legislative Prohibition:** WIA 188(a)(3), WIA reg. 667.266, and 29CFR 37.6(f) specify WIA funded limitations related to sectarian activities.

29CFR37.6(f) provides:

- 1) A recipient (NWC) must not permit participants to be employed or trained in sectarian activities.
- 2) This paragraph applies to any facility that is, or will be, primarily used or inherently devoted either:
  - a) For sectarian instruction: or
  - b) As a place of worship.
- 3) The recipient (NWC) must not permit participants to be employed or trained in any way to:
  - a) Construct any part of such a facility
  - b) Operate any part of such a facility, or
  - c) Maintain any part of that facility
- 4) If a facility is not primarily or inherently devoted to sectarian instruction or religious worship, a recipient (NWC) may permit the use of WIA Title I funds to employ participants to maintain the facility, if the organization that operates the facility is part of a program or activity that provides services to participants.

**History and Intent of Prohibition:** The source of the statutory and regulatory restriction is the United States Constitution and its Bill of Rights prohibition of government involvement with religion.

**Policy Guidance:** Local social services organizations include organizations such as: Catholic Community Services, Young Men's Christian Association (YMCA), Young Women's Christian Association (YWCA), and the Salvation Army. Some have separate nonsectarian departments apart from their places of worship and/or sectarian instruction that provide social services to all people, regardless of their religious beliefs or convictions.

For a facility to comply with the NWC's sectarian prohibition, it must:

- 1) Provide services to a universe of people that would include WIA participants. These services must be non-religious in nature and could include such services as housing assistance, food bank, recreation, and mental health counseling.
- 2) The facility for the proposed worksite must not be primarily or inherently devoted to religious instruction or worship. If the sectarian organization uses the proposed facility for religious instruction such as bible study, it would be disqualified. If the sectarian organization used the facility for religious meetings or worship, the facility would be disqualified. If religious icons, displays, and paraphernalia at the facility is so intrusive as to make a non-believer uncomfortable or feel coercion, the facility would be disqualified.

Some entities with sectarian names have non-sectarian divisions that provide social services to all people including WIA participants with no regard or knowledge of the participants/recipients religious convictions or beliefs, including agnostics and atheists. Often these entities receive other federal funds to operate their social services. They hire staff without regard to their personal religious beliefs. Participants feel no pressure, let alone coercion, to join or participate in any religious practice. The religious aspect of the entity is separate and all but invisible to the participant. Such facilities would qualify as WIA employment and training sites.

This sectarian prohibition does not apply to placement with a non-sectarian organization that merely leases space from a sectarian institution so long as the non-sectarian renter operates independently from the sectarian landlord.