

**SOP 16-06**  
**Sectarian/Religious Activity**  
**Standard Operating Procedures**  
**Grow Southwest Indiana Region 11**  
**Approved: 01/26/07**  
**Revised: 2/29/2016**

**Purpose**

To provide guidance concerning faith-based and sectarian/religious organizations and activity under the Workforce Innovation and Opportunity Act.

**Compliance**

All social service organizations are potentially eligible to become WIOA service providers even though no public money may be directed by government entities or contractors to sectarian/religious purposes. The First Amendment rights of sectarian/religious organizations will not be compromised or infringed. Direct Department of Labor (DOL) support may not be used for inherently religious activities such as worship services or prayer meetings. Service providers receiving direct DOL support may offer inherently religious activities such as worship services or prayer meetings only when they are separated in time or location from government funded activities. Participants of WIOA enrollees in inherently religious activities must be entirely voluntary. These restrictions do not apply when DOL support is received indirectly, such as by means of an Individual Training Account.

**Content**

The term sectarian/religious organization refers to any organization that provides a framework for worship or that has an established theological or spiritual purpose or perspective. A sectarian/religious organization may be used as a service provider and/or training facility if there is a division between “church and State. In other words, there is to be a clear and obvious separation either physically or chronologically between any directly funded WIOA participant activities on-site and the organization’s sectarian/religious activities.

WIOA allows for the use of facilities owned and/or operated by sectarian/religious organizations as service providers and/or training facilities for non-sectarian/religious training activities. The procedures and standards by which a sectarian/religious organization qualifies to be a service provider may not differ significantly from those the WDB specifies for a non-sectarian organization. Every entity receiving WIOA funding is

responsible for the actions of anyone acting for it, whether that person is a paid employee or a volunteer.

In addition, separate facilities, operated by a sectarian/religious organization, which are not of a sectarian/religious nature, such as a hospital, and which do not discriminate on the basis of religion when providing services, are allowable training sites. A site owned by a sectarian/religious organization can only be used as a training facility if the location is neither primarily for sectarian/religious purposes nor used for any such activities during the hours of WIOA program activity. No greater documentation may be required of the separation of sectarian/religious activities from WIOA activities than is required of non-sectarian organizations to document any other separations. It is not necessary for a sectarian/religious organization to remove or alter its religious art, icons, scriptures, or other spiritual symbols or objects in order to be used as a WIOA service provider and/or training facility.

The sectarian/religious organization may not profit from the WIOA activity in which the participants are involved. If any fees are charged WIOA participants for any type of supportive service, they may be no more than sufficient to cover costs. If selected for use by a WIOA participant, a sectarian/religious childcare facility may provide childcare for the participant's child. As such, the sectarian/religious childcare facility may be reimbursed with WIOA funding for the supportive service provided.

Any maintenance performed by WIOA participants on training facilities may only be to clean up or repair the site from WIOA activity. Participants are not allowed to paint the facility or perform other maintenance that would up-grade it. Also, the facility may not be additionally rented to other organizations during the hours of WIOA program activity.

WIOA participants may not replace employees, perform sectarian tasks, nor perform any duties that would enable facility employees to perform additional sectarian activities themselves. WIOA participants may perform nonsectarian tasks that enable facility employees to perform additional nonsectarian activities if participant tasks may reasonably be expected to contribute to their job placement or retention. Also, matching of WIOA participants for the service or training program must be done without regard to religious belief. The sectarian/religious organization must provide its services on a non-discriminatory basis, in order to be eligible for WIOA, whether the activity is funded directly or indirectly.

Direct funding and indirect funding do not pertain to cost allocation plans but to the monetary means by which services are provided to WIOA participants. Direct funding or direct support occurs when a governmental entity or WDB obtains needed services by means of contract, grant, cooperative agreement, or other similar and legally binding funding device. Indirect funding occurs when a WIOA participant is the one who determines where and how WIOA funding shall be expended by use of an Individual Training Account or a claim voucher tied to the participant's voluntary choice.

Participants may attend sectarian/religious institutions; however, WIOA funds cannot be directly used to pay for specifically religious/sectarian classes. Individual Training Accounts or vouchers, because indirect, are the appropriate mechanisms for participants desiring sectarian training classes. A signed document must be on file with the case notes to establish the voluntary nature of the WIOA client's choice to attend religious/sectarian classes. There is no need to separate an organization's sectarian/religious activities physically or chronologically from voluntary, ITA funded WIOA activities.