

Workforce Innovation and Opportunity Act (WIOA) Sectarian/Religious Guidance



A sectarian or religious organization refers to any organization that provides a framework for worship or that has an established theological or spiritual purpose or perspective.

The Workforce Innovation and Opportunity Act (WIOA) sets forth guidelines for the use of funds for faith-based and sectarian/religious organization services or programs and the conditions for receipt of such support. Additionally, WIOA identifies the criteria by which sectarian/religious organizations may be eligible as service providers and/or training facilities; prevents the direct use of public money for sectarian/religious purposes; and protects faith-based and sectarian/religious organizations from discrimination.

The federally established distinction between ‘direct funding’ and ‘indirect funding’ provides the means to balance the above factors while also allowing for participant choice.

- Direct funding or direct support occurs when the Division uses WIOA funding to obtain services by means of contract, grant, cooperative agreement, or other similar and legally binding funding device, with an organization.
- Indirect funding occurs when a WIOA title 1-b program participant and career planner identifies and documents the training and/or support services needed by the participant in the Individual Employment Plan (IEP) or Individual Service Strategy (ISS), and is the participant’s voluntary choice. Payments for training and support are issued through and Individual Training Account (ITA) or Authorization for Support Services.

Direct WIOA funding may not be used for inherently religious activities such as worship services or prayer meetings. Service providers receiving direct WIOA funding may offer inherently religious activities such as worship services or prayer meetings when provided separately in time or location from WIOA funded activities.

WIOA prohibits the use of funds to employ participants to carry out the construction, operation, or maintenance of any part of any facility used for sectarian instruction or as a place of religious worship with the exception of maintenance of facilities that are not primarily used for instruction or worship and are operated by organizations providing services to WIOA participants. For example, any maintenance performed by WIOA participants on sectarian/religious training facilities may only be to clean or repair the site for WIOA activity. Participants are not allowed to paint the facility or perform other maintenance that would “up-grade” it.

Indirect WIOA funding may be used for the following:

WIOA Participants Training and Employment in Sectarian/Religious Occupations

WIOA funds may be used to provide participants employment or training in religious activities when the assistance is indirect and the participant's choice to attend the sectarian/religious training is voluntary. Assistance provided through an ITA that is tied to an IEP or ISS, is considered indirect funding.

WIOA Participants Attending Sectarian/Religious Training Institutions

WIOA participants may attend a training program at a sectarian/religious institution, through an ITA (indirect) if the program is on the Eligible Training Provider List (ETPL) and the participant's choice to attend the sectarian/religious training is voluntary. Unlike the situation with directly funded WIOA activities, there is no need to separate an organization's sectarian/religious activities physically or chronologically from voluntary WIOA funded activities.

Participants using Sectarian/Religious Day Care Facilities for Childcare

If selected for use by a WIOA participant, a sectarian/religious childcare facility may provide childcare for the participant's children and may receive reimbursement from WIOA funding through an Authorization for Support Services.

Sectarian/Religious Organizations Serving as Service Providers and/or Training Facilities -

A sectarian/religious organization may be a WIOA funded 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 activities on-site and the organization's sectarian/religious activities.

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 (or other means) when providing services, are allowable training sites.

Example: the purpose of a hospital is to provide medical care. In most cases, the sectarian/religious activities are clearly defined and limited to the chapel area. The hospital can easily be divided into religious and non-religious areas. The division is easily identified and will remain as identified. There is a clear separation of church from State.

References: [WIOA Section 188\(a\)\(3\)](#)
 [Federal Register Vol. 80, No. 73 NPR](#)
 [29 CFR Part 2, Subpart D](#)

Questions & Answers

Must a sectarian/religious organization alter or disguise its physical appearance in anyway to be eligible as a service provider and/or training facility? No. It is not necessary for a sectarian/religious organization to remove or alter its religious art, icons, scriptures, sculptures, or other spiritual symbols or objects in order to be used as a WIOA service provider and/or training facility.

What if the sectarian/religious organization charges fees for some of its services? Is the site still eligible to be a training site? The organization may not profit from the WIOA activity in which the participants are involved. If any fees are charged to WIOA participants for childcare, for example, they may be no more than sufficient to cover costs. Also, the facility may not be additionally rented to other organizations during the hours of WIOA program activity.

May WIOA participants at training sites in sectarian/religious facilities perform janitorial/ maintenance work? 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.

May WIOA participants perform the tasks normally done by employees at the sectarian/religious facility as part of their assignment? WIOA participants may not replace employees, perform sectarian tasks, nor do any other tasks that would enable facility employees to perform additional sectarian activities themselves. WIOA participants may perform non-sectarian tasks that enable facility employees to perform additional non-sectarian activities if participant tasks may reasonably be expected to contribute to their job placement or retention.

How does this guidance apply to any voluntary staff or mentors at the sectarian/religious organization? Every entity receiving WIOA funding is responsible for the actions of anyone acting for it, whether that individual is a paid employee or a volunteer. In other words, an unpaid volunteer is not to be treated any different than a paid employee. The same restrictions apply to both.

Must participants be of the same faith as the sectarian/religious organization? No. Matching of WIOA participants for the support service or training program must be done without regard to religious belief. Also, 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.