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State of Wisconsin
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Date: March 4, 2013

To: Workforce Development Board Directors

From: Jane Pawasarat, Director 
Bureau of Workforce Training

Subject: **Workforce Investment Act Policy Update 13-01: Financial Assistance for Training in Religious Activities**

Purpose

To provide guidance on the use of Workforce Investment Act (WIA) Title 1 financial assistance for religious training consistent with the U.S. Department of Labor's (DOL) policy. The Division of Employment and Training (DET) had issued Policy Update 02-09 on April 22, 2003, which stated that sectarian training programs are not eligible for listing on the WIA State List of Eligible Training Programs and Providers. This draft policy update discusses DOL's policy, and rescinds Policy Update 02-09.

Legislative/Regulatory References

- WIA of 1998, Section 188
- Federal Regulations, 20 CFR Parts 667 and 670
- Federal Regulations, 29 CFR Part 2, Subpart D and 37.6(f)
- US DOL Training and Employment Guidance Letter (TEGL) 1-05: New Rules Allowing Use of WIA Title 1 Financial Assistance for Religious Training and Employment and Making Other Changes to Religion-Related Regulations Governing Recipients of DOL Support Including the One-Stop Career Center Service Delivery System and the Job Corps
- WIA Policy Update 02-09: Sectarian Training Programs

Background

The DOL implemented several changes to its regulations, including 29 CFR Part 2, subpart D, and issued TEGL 1-05 which established new rules to allow the use of WIA Title 1 financial assistance for training in religious activities. 29 CFR Part 2, subpart D governs the circumstances under which DOL support, including WIA Title 1 financial assistance, may provide participants training in religious activities through an Individual Training Account (ITA) or other similar voucher/form tied to the participant's voluntary choice.

Policy

WIA participants may receive sectarian/religious training at institutions approved to operate as a postsecondary institution using an ITA or Individual Service Strategy (ISS). The participant's Employment Plan/ISS must indicate training-related needs, supported by assessment information. The Employment Plan/ISS must also identify barriers to training and employment, and specify plans to overcome barriers. All occupational training should be designed to prepare students for gainful employment in a recognized occupation or profession for which there is a demand in the service area or another area to which the client is willing to relocate.

In addition, for those services provided through an ITA, the vendor providing such training must apply for and satisfy the eligibility requirements of the Eligible Training Provider List program/process. However, training services, whether under ITAs or under contract, must be provided in a manner that maximizes informed consumer choice. In addition, an organization must not be favored as, or denied recognition as, an eligible training provider or other provider solely on the basis of religion.

As a reminder, Section 188(a)(3) of WIA stipulates that participants shall not be employed to carry out the construction, operation, or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place of worship.

ASSET Reporting

To report a training service in ASSET for Adults and Dislocated Workers:

1. Select "Manage Services";
2. The "Service Category" is "Training Services"
3. Select "Occupational Classroom";
4. Enter the appropriate information and save the record.

To report a training service in ASSET for Youth:

1. Select "Manage Services";
2. Select "Occupational Skill Training";
4. Enter the appropriate information and save the record.

Action Required

This policy is effective immediately. If you have any questions, or require technical assistance, please contact the Local Program Liaison assigned to your area.