

§ 667.275 What are a recipient's obligations to ensure nondiscrimination and equal opportunity, as well as nonparticipation in religious activities?

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(b) Under 29 CFR 37.6(f), WIA financial assistance provided directly to a recipient may not be expended for religious employment or training, but financial assistance provided under title I of WIA may be used to train participants in religious activities, as long as the State or LWIA has established a mechanism for providing such assistance that gives participants a genuine and independent choice among training providers (including religious and non-religious providers), that mechanism permits participants to direct the financial assistance to the provider of their choice, and the provider receiving the assistance otherwise satisfies the requirements of the program. WIA financial assistance may not be used in employment or training activities that involve the construction, or maintenance of any facility used for religious instruction or as a place of worship, but the employment of participants to maintain a facility to the extent that it is not primarily or inherently devoted to religious instruction or worship is permitted, and provided that the organization operating the facility is part of a program or activity that provides services to participants.

Title 29—Labor

Subtitle A—Office of the Secretary

PART 37—IMPLEMENTATION OF THE NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE WORKFORCE INVESTMENT ACT OF 1998 (WIA)

1. The authority citation for part 37 continues to read as follows:

Authority: Sections 134(b), 136(d)(2)(F), 136(e), 172(a), 183(c), 185(c)(2), 185(d)(1)(E), 186, 187 and 188 of the Workforce Investment Act of 1998, 29 U.S.C. 2801, *et seq.*; Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, *et seq.*; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101; and Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681.

2. In § 37.6, paragraph (f) is revised to read as follows:

§ 37.6 What specific discriminatory actions, based on prohibited grounds other than disability, are prohibited by this part?

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(f)(1) No financial assistance provided directly from the State or LWIA to a religious organization may be expended for religious employment or training. For purposes of this paragraph, the term “direct” means financial assistance that is provided at the direction of a governmental entity, or an intermediate organization with the same duties as a governmental entity under this program, as opposed to financial assistance that an organization receives as a result of the genuine and independent choice of the beneficiary.

(2) A recipient may permit WIA title I financial assistance to be used to train participants in religious activities if:

(i) The State or LWIA has established a mechanism for providing such financial assistance that gives participants a genuine and independent choice among training providers (including religious and non-religious providers);

(ii) The mechanism established by the State or LWIA includes an Individual Training Account (ITA), voucher, coupon, certificate, or other similar procedure through which participants direct the WIA Title I financial assistance to the provider of their choice; and

(iii) The selected provider otherwise satisfies the requirements of the program.

(3) Except under the circumstances described in paragraph (f)(4) below, a recipient must not permit participants to engage in employment or training activities that involve the construction, operation, or maintenance of any facility, or any part of a facility, that is used, or will be used, for religious instruction or as a place of religious worship.

(4) A recipient may permit participants to engage in employment or training activities that involve the maintenance of a facility that is used, or will be used, for religious instruction or religious worship.

(i) To the extent that the facility is not primarily or inherently devoted to religious instruction or religious worship, and

(ii) Provided that the organization operating the facility is part of a program or activity providing services to participants.

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