Employment and Training Administration, Labor

§ 667.268 What prohibitions apply to the use of WIA title I funds to encourage business relocation?

(a) WIA funds may not be used or proposed to be used for:

(1) The encouragement or induce-ment of a business, or part of a busi-ness, to relocate from any location in the United States, if the relocation re-sults in any employee losing his or her job at the original location;

(2) Customized training, skill train-ing, or on-the-job training or company specific assessments of job applicants or employees of a business or a part of a business that has relocated from any location in the United States, until the company has operated at that location for 120 days, if the relocation has re-sulted in any employee losing his or her job at the original location.

(b) Pre-award review. To verify that an establishment which is new or ex-panding is not, in fact, relocating em ployment from another area, standard-ized pre-award review criteria devel-oped by the State must be completed and documented jointly by the local area with the establishment as a pre-requisite to WIA assistance.

(1) The review must include names under which the establishment does business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information, and whether WIA assistance is sought in connec-tion with past or impending job losses at other facilities, including a review of whether WARN notices relating to the employer have been filed.

§ 667.264 What other activities are prohibited under title I of WIA?

(a) WIA title I funds must not be spent on:

(1) The wages of incumbent employ-ees during their participation in eco-nomic development activities provided through a Statewide workforce investment system, (WIA sec. 181(b)(1));

(2) Public service employment, ex-cept to provide disaster relief employ-ment, as specifically authorized in sec-tion 173(d) of WIA, (WIA sec. 195(10));

(3) Expenses prohibited under any other Federal, State or local law or regulation.

(b) WIA formula funds available to States and local areas under subtitle B, title I of WIA must not be used for foreign travel. (WIA sec. 181(e).)

§ 667.266 What are the limitations related to religious activities?

(a) Limitations related to sectarian activities are set forth at WIA section 188(a)(3) and 29 CFR 37.6(f).

(b) 29 CFR part 2, subpart D governs the circumstances under which DOL support, including WIA Title I fi-nancial assistance, may be used to em-ploy or train participants in religious activities. Under that subpart, such as-sistance may be used for such employ-ment or training only when the assist-ance is provided indirectly within the meaning of the Establishment Clause of the U.S. Constitution, and not when the assistance is provided directly. As explained in that subpart, assistance provided through an Individual Train-ing Account is generally considered indi rect, and other mechanisms may also be considered indirect. See also 20 CFR 667.275 and 29 CFR 37.6(f)(1). 29 CFR part 2, subpart D also contains require-ments related to equal treatment in Department of Labor programs for religious organizations, and to protecting the religious liberty of Department of Labor social service providers and beneficiaries.

(2) Limitations on the employment of participants under WIA Title I to carry out the construction, operation, or maintenance of any part of any facility used or to be used for religious instruc-tion or as a place for religious worship are described at 29 CFR 37.6(f)(2).

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