

February 11, 2005

DIRECTIVE:	JOB CORPS PRH CHANGE NOTICE NO. 04-10
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TO: ALL JOB CORPS NATIONAL OFFICE STAFF
ALL JOB CORPS REGIONAL DIRECTORS
ALL JOB CORPS CENTER DIRECTORS
ALL JOB CORPS CENTER OPERATORS
ALL NATIONAL TRAINING AND SUPPORT CONTRACTORS
ALL OUTREACH, ADMISSIONS AND CTS CONTRACTORS

FROM: GRACE A. KILBANE
National Director
Office of Job Corps

SUBJECT: PRH Chapters 2, 3, 5, and 6: Implementation of Final Rule on Equal Treatment in Department of Labor Programs for Faith-Based and Community Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries.

1. Purpose. To revise and update current policy regarding the rights of students to exercise their religious freedom, and implement the Department of Labor's faith-based regulation.

2. Background. On March 9, 2004, the Department of Labor (DOL) issued a proposed rule to clarify the ability of faith- and community- based organizations to participate in DOL's social service programs and for other purposes. The proposed rule was part of DOL's effort to fulfill its responsibilities under two Executive Orders issued by President George W. Bush to promote equal treatment for faith- and community-based organizations.¹ Consistent with the President's initiative, DOL's proposed rule sought to amend DOL's regulations, including specific regulations governing Job Corps. The proposed rule was open for comment for 60 days. DOL addressed those comments in the Final Rule, which was published in the Federal Register on July 12, 2004. The Final Rule became effective 30 days after its publication date, on August 11, 2004.

¹ Executive Order 13198, published in the Federal Register on January 31, 2001, and Executive Order 13279, published in the Federal Register on December 16, 2002.

On July 14, 2004, the National Office of Job Corps issued Job Corps Program Instruction 04-01, for the purpose of notifying the Job Corps community of the new Final Rule. The Instruction indicated that upon its effective date the Final Rule would become Job Corps policy and that current Policy and Requirements Handbook (PRH) language dealing with religious expression (PRH 6.9, R2) would be suspended, until new PRH language consistent with the Final Rule was developed. The Program Instruction requested comments from the Job Corps community.

This PRH Change Notice contains the initial changes to the PRH designed to implement the Final Rule.

3. Reference. The Final Rule is located in Volume 69 Number 132 of the Federal Register published on July 12, 2004.

4. Explanation of Major Changes. Highlights of the changes to the PRH, by chapter and section, are as follows.

- **PRH Chapter 2, Section 2.2 Introduction to Center Life**

Requirements: Revises R1 6(b). Adds “religious rights” to the list of student rights and responsibilities. Revises R1 8(c). Deletes “access to religious services” from the list of student benefits, because this is addressed in R1 6(b).

- **PRH Chapter 3, Section 3.17 Diversity Training**

Requirements: Revises R3 (b). Retains language regarding training to teach students to be “respectful” of “differences and similarities,” but deletes the language that students should be “appreciative of” such differences and similarities.

- **PRH Chapter 5, Exhibit 5.4 Required Staff Training**

Revises 5th training requirement. Adds “religious rights” to the list of staff training subjects required during orientation.

- **PRH Chapter 6, Section 6.8 Student Civil Rights Including Religious Rights, Non-Discrimination, and Legal Services**

Section Title: Adds “Including Religious Rights”, and deletes “Non-Discrimination.”

Purpose: Revises P1. Adds religious rights to the list of protected rights. Adds new P3, “To provide students with the opportunity to exercise their religious rights.”

Requirements: Revises R1. Adds religious rights to the list of student rights, and requires that staff be fully apprised of, and annually trained in, requirements regarding civil rights, including religious rights.

Moves existing requirement regarding disability accommodations from R1 to new R2 and clarifies governing legal authority.

Renumbers previous R2 (Sexual Harassment) as R3.

Adds new R4. Adds language requiring respect for religious rights and prohibiting discrimination on the basis of religion or lack thereof. Permits religious activities on center, and allows for the supervision of religious activities to the same extent that nonreligious activities are supervised. Requires a process for requesting religious accommodations, including appeals of denials and record keeping. Clarifies policy regarding providing transportation to local religious facilities. Adds language on prohibited activities, regardless of religious motivation. Clarifies policy on when direct federal support may support inherently religious activities. Adds language requiring equal treatment for religious organizations.

Renumbers current R3 through R6. In renumbered R5 through R8, the word “shall” is replaced by the word “must.”

Quality Indicators: Adds new Q3 to provide a Quality Indicator on students’ understanding of and satisfaction with their ability to exercise religious rights.

- **PRH Chapter 6, Section 6.9 Student Support Services**

Purpose: Amends P1. Deletes “religious and.”

Requirements: Deletes R2 regarding “Religious Worship”, and renumbers R3 through R7 accordingly.

Quality Indicators: Amends Q3. Deletes “and attend religious services.”

5. Action Required. Addressees are to ensure that a copy of this Change Notice is distributed to the appropriate staff.

6. Filing Instructions.

REMOVE FROM PRH	INSERT
Table of Contents, dated November 1, 2004	Table of Contents, dated February 11, 2005
Chapter 2, Section 2.2; Introduction to Center Life, dated May 3, 2004	Chapter 2, Section 2.2; Introduction to Center Life, dated February 11, 2005
Chapter 3, Section 3.17; Diversity Training, dated November 15, 2004	Chapter 3, Section 3.17; Diversity Training, dated February 11, 2005
Chapter 5, Exhibit 5-4; Required Staff Training, dated May 3, 2004	Chapter 5, Exhibit 5-4; Required Staff Training, dated February 11, 2005
Chapter 6, Text Only, dated July 2004	Chapter 6, Text only, dated February 11, 2005

7. Effective Date. February 11, 2005

8. Inquiries. Inquiries should be directed to Brian Kennedy, at (202) 693-3117, or emailed to kennedy.brian@dol.gov.

Attachments

Attachment A – Table of Contents

Attachment B – Section 2.2

Attachment C – Section 3.17

Attachment D – Exhibit 5.4

Attachment E – Chapter 6