

ARTICLE 2. EMPLOYMENT AND TRAINING SERVICES; POLICIES AND PROCEDURES

NOTE: Expiration postponed by Executive Order #07-22, posted at 20080116-IR-GOV080004EOA.

Rule 1. Definitions

646 IAC 2-1-1 Uniform definitions; applicability

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. (a) The department shall use nationally uniform definition and information elements as prescribed by federal law.

(b) The definitions in this rule apply throughout this article. (*Department of Workforce Development; 646 IAC 2-1-1; filed May 26, 1992, 5:00 p.m.: 15 IR 2223; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-1) to the Department of Workforce Development (646 IAC 2-1-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-2 "Administrative entity" defined

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. "Administrative entity" means that unit of general local government or an agency thereof, "the private industry council", or a nonprofit organization or legal entity selected by the private industry council in agreement with the chief elected official of a designated service area to administer those services of the department at the service area level described in the local plan of services. (*Department of Workforce Development; 646 IAC 2-1-2; filed May 26, 1992, 5:00 p.m.: 15 IR 2223; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-2) to the Department of Workforce Development (646 IAC 2-1-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-3 "Carl Perkins" defined

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 3. "Carl Perkins" means the Carl D. Perkins Vocational Education Act of 1984, as amended. (*Department of Workforce Development; 646 IAC 2-1-3; filed May 26, 1992, 5:00 p.m.: 15 IR 2223; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-3) to the Department of Workforce Development (646 IAC 2-1-3) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-4 "Chief local elected official" defined

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 4. "Chief local elected official" means the following:

(1) The mayor or the president of the county commissioners in any service area where there is only one (1) unit of general local government, a city, or county.

(2) The mayor or president of the county commissioners in any service area where there are two (2) or more such units of general local government, a city, or a county.

(*Department of Workforce Development; 646 IAC 2-1-4; filed May 26, 1992, 5:00 p.m.: 15 IR 2223; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-4) to the Department of Workforce Development (646 IAC 2-1-4) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-5 "CVTE" defined

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 5. "CVTE" means the commission on vocational and technical education. (*Department of Workforce Development; 646 IAC 2-1-5; filed May 26, 1992, 5:00 p.m.: 15 IR 2223; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-5) to the Department of Workforce Development (646 IAC 2-1-5) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-6 "Department" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 6. "Department" means the department of employment and training services of the state of Indiana. (*Department of Workforce Development; 646 IAC 2-1-6; filed May 26, 1992, 5:00 p.m.: 15 IR 2223; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-6) to the Department of Workforce Development (646 IAC 2-1-6) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-7 "Departmental employee" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 7. "Departmental employee" means employees under the state personnel system employed by the department. (*Department of Workforce Development; 646 IAC 2-1-7; filed May 26, 1992, 5:00 p.m.: 15 IR 2223; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-7) to the Department of Workforce Development (646 IAC 2-1-7) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-8 "Disabled veteran" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 8. "Disabled veteran" means the following:

- (1) A veteran who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Veterans Administration.
- (2) A person who was discharged or released from active duty because of a service-connected disability.

(*Department of Workforce Development; 646 IAC 2-1-8; filed May 26, 1992, 5:00 p.m.: 15 IR 2223; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-8) to the Department of Workforce Development (646 IAC 2-1-8) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-9 "EDWAA" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 9. "EDWAA" means the Economic Dislocation and Worker Adjustment Assistance Act. (*Department of Workforce Development; 646 IAC 2-1-9; filed May 26, 1992, 5:00 p.m.: 15 IR 2224; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-9) to the Department of Workforce Development (646 IAC 2-1-9) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-10 "Eligible veteran" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 10. "Eligible veteran" means a person who:

(1) served on active duty for a period of more than one hundred eighty (180) days and was discharged or released with other than a dishonorable discharge; or

(2) was discharged or released from active duty because of a service-connected disability.

(Department of Workforce Development; 646 IAC 2-1-10; filed May 26, 1992, 5:00 p.m.: 15 IR 2224; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-10) to the Department of Workforce Development (646 IAC 2-1-10) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-11 "Employment and training program" defined

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 11. "Employment and training program" means those employment and training services of the department administered directly by the department, by contract through grant recipients, or other entities directly contracting with the department. *(Department of Workforce Development; 646 IAC 2-1-11; filed May 26, 1992, 5:00 p.m.: 15 IR 2224; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-11) to the Department of Workforce Development (646 IAC 2-1-11) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-1-12 "Employment and training system" defined

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 12. "Employment and training system" means that integrated network of services and activities administered by the department which includes the employment and training program, veterans services program, and the unemployment insurance program. *(Department of Workforce Development; 646 IAC 2-1-12; filed May 26, 1992, 5:00 p.m.: 15 IR 2224; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-12) to the Department of Workforce Development (646 IAC 2-1-12) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-1-13 "Grant recipient" defined

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 13. "Grant recipient" means the entity selected by the private industry council in agreement with the chief elected official of a designated service area to receive, distribute, and account for all funds received from the department and for any other funds for which the private industry council may have local oversight responsibility. *(Department of Workforce Development; 646 IAC 2-1-13; filed May 26, 1992, 5:00 p.m.: 15 IR 2224; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-13) to the Department of Workforce Development (646 IAC 2-1-13) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-1-14 "IMPACT" defined

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 14. "IMPACT" means the Indiana manpower placement and comprehensive training program of the office of the secretary of family and social services. *(Department of Workforce Development; 646 IAC 2-1-14; filed May 26, 1992, 5:00 p.m.: 15 IR 2224; errata filed Jul 16, 1992, 2:00 p.m.: 15 IR 2597; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-14) to the Department of Workforce Development (646 IAC 2-1-14) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-1-15 "Indiana workforce development coordinating council" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 15. "Indiana workforce development coordinating council" shall be the name given to the state job training coordinating council as described in Section 122 of the Job Training Partnership Act. (*Department of Workforce Development; 646 IAC 2-1-15; filed May 26, 1992, 5:00 p.m.: 15 IR 2224; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-15) to the Department of Workforce Development (646 IAC 2-1-15) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-16 "JOBS" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 16. "JOBS" means the Job Opportunities and Basic Skill Act. (*Department of Workforce Development; 646 IAC 2-1-16; filed May 26, 1992, 5:00 p.m.: 15 IR 2224; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-16) to the Department of Workforce Development (646 IAC 2-1-16) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-17 "JTPA" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 17. "JTPA" means the Job Training Partnership Act, as amended (29 U.S.C. 1501, et seq.). (*Department of Workforce Development; 646 IAC 2-1-17; filed May 26, 1992, 5:00 p.m.: 15 IR 2224; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-17) to the Department of Workforce Development (646 IAC 2-1-17) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-18 "Labor dispute" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 18. "Labor dispute" means a work stoppage or anticipated work stoppage including, but not limited to, a strike or lockout between an employer and its covered workers. (*Department of Workforce Development; 646 IAC 2-1-18; filed May 26, 1992, 5:00 p.m.: 15 IR 2224; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-18) to the Department of Workforce Development (646 IAC 2-1-18) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-19 "Labor exchange" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 19. "Labor exchange" means the following:

(1) Those Wagner-Peyser services identified in subdivision (2) administered by the department and provided solely by the state merit employees to the full extent that funds are appropriated under the Wagner-Peyser Act, with no duplication of services by other entities. Labor exchange services may be provided by nondepartmental employees using non-Wagner-Peyser resources if Wagner-Peyser funds are insufficient to permit departmental employees to provide all the necessary and required services.

(2) Wagner-Peyser services include the following:

- (A) Assessment.
- (B) Testing, including state merit testing.

- (C) Employment counseling.
- (D) Job referral, including job service matching and resume system.
- (E) Job placement, including job service matching and resume system.
- (F) Job development.
- (G) Referral to job vocational education.
- (H) Dissemination of labor market information.
- (I) Meeting the unemployment insurance work test.
- (J) Providing qualified job applicants.
- (K) Mass recruitment.
- (L) Job analysis.
- (M) Statewide recruitment for hard to fill openings.
- (N) Targeted job tax credit (TJTC) vouchering.
- (O) Affirmative action and equal employment opportunity planning.
- (P) Interstate job clearance.

(3) Nothing in this section prohibits nondepartmental employees from providing those services defined in JTPA, IMPACT, JOBS, SINGLE PARENT HOMEMAKER, or other appropriate federal, state, local, and private revenue source programs. *(Department of Workforce Development; 646 IAC 2-1-19; filed May 26, 1992, 5:00 p.m.: 15 IR 2225; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-19) to the Department of Workforce Development (646 IAC 2-1-19) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-1-20 "Nondepartmental employees" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 20. "Nondepartmental employees" means employees under local merit based personnel systems employed by grant recipients, administrative entities, or other entities contracting with the department. *(Department of Workforce Development; 646 IAC 2-1-20; filed May 26, 1992, 5:00 p.m.: 15 IR 2225; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-20) to the Department of Workforce Development (646 IAC 2-1-20) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-1-21 "PIC" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 21. "PIC" means the private industry council. *(Department of Workforce Development; 646 IAC 2-1-21; filed May 26, 1992, 5:00 p.m.: 15 IR 2225; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-21) to the Department of Workforce Development (646 IAC 2-1-21) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-1-22 "Preferential consideration" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 22. "Preferential consideration" means the department giving priority to department personnel for the provision of services other than labor exchange. Labor exchange shall be performed solely by state merit employees to the full extent of Wagner-Peyster funding. *(Department of Workforce Development; 646 IAC 2-1-22; filed May 26, 1992, 5:00 p.m.: 15 IR 2225; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-22) to the Department of Workforce Development (646 IAC 2-1-22) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-1-23 "Private industry council" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 23. "Private industry council" means an entity comprised of no less than fifty-one percent (51%) representation from the private sector with the remainder comprised of representation from education, organized labor, rehabilitation, economic development, public employment service, and community-based organizations of each service area, which has responsibility to provide policy guidance, planning, and oversight of appropriate workforce development activities and other related employment and training activities in one (1) or more service areas of the state. (*Department of Workforce Development; 646 IAC 2-1-23; filed May 26, 1992, 5:00 p.m.: 15 IR 2225; errata filed Jul 16, 1992, 2:00 p.m.: 15 IR 2597; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-23) to the Department of Workforce Development (646 IAC 2-1-23) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-24 "Service area" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 24. "Service area" means an area of the state comprised of one (1) or more units of general local government that sets out the following:

- (1) Promotes effective delivery of employment and training services including services for economically disadvantaged, displaced workers, and other targeted groups as designated by federal and state assistance programs.
- (2) Is consistent with labor market areas or standard metropolitan statistical areas. This subdivision shall not be construed to require designation of an entire labor market area and is consistent with areas in which related services are provided under other state or federal programs.
- (3) Shares common boundaries for the delivery of related services administered by the department.
- (4) Has the same meaning as service delivery areas (SDA) under Title II of the JTPA and substate area (SDA) under Title III of JTPA.

(*Department of Workforce Development; 646 IAC 2-1-24; filed May 26, 1992, 5:00 p.m.: 15 IR 2225; errata filed Jul 16, 1992, 2:00 p.m.: 15 IR 2597; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-24) to the Department of Workforce Development (646 IAC 2-1-24) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-25 "Special disabled veteran" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 25. "Special disabled veteran" means the following:

- (1) A veteran who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Veterans Administration for a disability:
 - (A) rated at thirty percent (30%) or more; or
 - (B) rated at ten percent (10%) or twenty percent (20%) in the case of a veteran who has been determined under 38 U.S.C. 1506 to have a serious employment handicap.
- (2) A person who was discharged or released from active duty because of service-connected disability.

(*Department of Workforce Development; 646 IAC 2-1-25; filed May 26, 1992, 5:00 p.m.: 15 IR 2226; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-25) to the Department of Workforce Development (646 IAC 2-1-25) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-26 "SP/H" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 26. "SP/H" means the single parent and homemaker program and its service as provided for through Carl D. Perkins. (*Department of Workforce Development; 646 IAC 2-1-26; filed May 26, 1992, 5:00 p.m.: 15 IR 2226; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-26) to the Department of Workforce Development (646 IAC 2-1-26) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-27 "Employment and training office" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 27. "Employment and training office" means the following:

(1) That much of any local facility in a service area and so designated in the local "plan of service", for the express purpose of providing the department's employment and training program, veterans services programs, and unemployment insurance program where designated by the department.

(2) "Employment and training center" means the same as subdivision (1).

(*Department of Workforce Development; 646 IAC 2-1-27; filed May 26, 1992, 5:00 p.m.: 15 IR 2226; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-27) to the Department of Workforce Development (646 IAC 2-1-27) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-28 "Unemployment insurance program" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4

Sec. 28. "Unemployment insurance program" means those unemployment insurance services including audit, appellate, claims, quality control, and other such services delivered by the department in accordance with federal and state law and in accordance with IC 22-4. (*Department of Workforce Development; 646 IAC 2-1-28; filed May 26, 1992, 5:00 p.m.: 15 IR 2226; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-28) to the Department of Workforce Development (646 IAC 2-1-28) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-29 "Veteran of the Vietnam era" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 29. Subject to section 25 of this rule, "veteran of the Vietnam era" means an eligible veteran who:

(1) served on active duty for a period more than one hundred eighty (180) days and was discharged or released therefrom with other than a dishonorable discharge; or

(2) was discharged or released from active duty because of a service-connected disability during the Vietnam era.

No veteran may be considered to be a veteran of the Vietnam era under this section after December 31, 1991. (*Department of Workforce Development; 646 IAC 2-1-29; filed May 26, 1992, 5:00 p.m.: 15 IR 2226; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-29) to the Department of Workforce Development (646 IAC 2-1-29) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-1-30 "Workers and job positions at issue" defined

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 30. "Workers and job positions at issue" means the following:

(1) Those workers and job positions, filled or vacant, at issue between the employer and workers' representative in a labor dispute.

(2) Workers and job positions included in a collective bargaining agreement between an employer and workers' representative. *(Department of Workforce Development; 646 IAC 2-1-30; filed May 26, 1992, 5:00 p.m.: 15 IR 2226; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-1-30) to the Department of Workforce Development (646 IAC 2-1-30) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

Rule 2. Powers and Duties

646 IAC 2-2-1 Executive director

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1-3

Sec. 1. (a) An executive director shall be appointed to administer the functions of the department as described in IC 22-4-18-3 *[Repealed by P.L.105-1994, SECTION 6, effective July 1, 1994.]*

(b) The department may periodically review, rescind, and/or reissue policy as it deems necessary. *(Department of Workforce Development; 646 IAC 2-2-1; filed May 26, 1992, 5:00 p.m.: 15 IR 2226; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-2-1) to the Department of Workforce Development (646 IAC 2-2-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-2-2 Responsibilities

Authority: IC 22-4.1-3-3
Affected: IC 4-15-1-1; IC 22-4-18-1; IC 22-4-18-4; IC 22-4.1

Sec. 2. (a) Under IC 22-4-18-4, there are established in the department two (2) coordinate sections. One shall administer employment and training services, and the other shall administer unemployment insurance services. Each section shall be responsible for the discharge of its distinctive functions under the direction of the executive director.

(b) Responsibilities of the department shall be as follows:

(1) The department shall have all of the powers and duties as described in IC 22-4-18-1 and IC 22-4-18-5.

(2) The department may create and issue policy and operational directives necessary for the administration of the unemployment insurance services and all other employment and training services administered directly by the department or contracted through private industry councils, grant recipients, or other entities directly contracting with the department. The department will determine compliance in the instance of conflicting policy. The department will assume responsibility in instances where compliance with policy issued by the department conflicts and causes noncompliance with policy or directives issued by entities external to the department.

(3) Grant recipients, administrative entities, and any other entities contracting directly with the department may be subject to corrective actions for failure to meet performance standards established by the department.

(4) The corrective action may range from technical assistance to penalties for noncompliance with performance standards as defined by department policy and federal and state statutes and rules.

(5) The department shall adhere to the policies, principles, procedures, terms, and conditions of the state personnel system as contained in IC 4-15-1-1 et seq. for department personnel.

(6) The department shall require each grant recipient, administrative entity, and other entities contracting directly with the department to assure that their personnel system adheres to the merit based principles as defined by the U.S. Office of Personnel Management.

(c) Planning functions of the department shall be as follows:

(1) The department shall be responsible for the development of a state plan for the employment and training system that includes coordination between employment and training services and unemployment insurance services. This plan shall serve to meet all federal and state plan requirements for all department administered resources.

(2) The department shall be responsible for implementing the state plan for the employment and training system through the following:

(A) Issuance of, and the establishment of, standards of performance.

(B) Reviewing and approving locally submitted plans of service including those provisions which involve state merit

employees.

(3) The department shall administer its resources through the employment and training system. Preferential consideration for the delivery of employment and training services shall be given to entities identified by private industry councils and chief elected officials of each service area unless the department determines that alternative entities would be more effective to achieve the state's goals as described in the state's employment and training plan. Contracts for the provision of Wagner-Peyser labor exchange services shall include requirements which ensure department employees are used exclusively in the provision of such services and that department employees are not displaced as a result of the contracts. This subdivision shall not be interpreted to mean that the supplementation of labor exchange services through resources other than Wagner-Peyser shall be limited to department employees in the event Wagner-Peyser funds are inadequate to provide the necessary and required labor exchange services. If Wagner-Peyser funds are reduced below current levels, the department will do all that is reasonably possible to retain current local service delivery levels, and full utilization of state merit employees, from whatever funding sources are available.

(4) Goals and objectives for the state plan shall be proposed by the Indiana workforce development coordinating council no later than the December before the beginning of the two (2) year planning cycle. The goals and objectives shall be consistent with the mission of the state's long range plan for vocational and technical education.

(5) The draft plan, or its modification, shall be submitted for review and comment to the commission for vocational and technical education and other appropriate entities as determined by the department and before the plan is recommended for approval to the governor by the Indiana workforce development coordinating council. The department shall present the plan to the general public for comment no later than the month of April prior to the start of the two (2) year planning cycle.

(6) At a minimum, the state plan for employment and training services shall provide the following:

(A) Experience of the employment and training system in the previous two (2) year planning cycle.

(B) The goals and objectives for the next two (2) year planning cycle.

(C) Priorities and direction for use of resources.

(7) The department may coordinate with the Indiana department of commerce to develop a joint plan for the coordination of resources under the direction of both departments, that results in employment opportunities for all citizens of the state with special emphasis for economically disadvantaged individuals, displaced workers, and others with substantial barriers to employment as well as meets the hiring needs of the state's employers with special emphasis on the recruitment, placement, and training needs of indigenous, small scale employers.

(Department of Workforce Development; 646 IAC 2-2-2; filed May 26, 1992, 5:00 p.m.: 15 IR 2227; errata filed Jul 16, 1992, 2:00 p.m.: 15 IR 2597; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-2-2) to the Department of Workforce Development (646 IAC 2-2-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 3. Indiana Workforce Development Coordinating Council and Unemployment Insurance Board

646 IAC 2-3-1 State council

Authority: IC 22-4.1-3-3

Affected: IC 5-14-1.5-1; IC 22-4.1

Sec. 1. (a) Under IC 22-4-18-1.5, the state job training coordinating council shall serve as the Indiana workforce development coordinating council with responsibility for coordinating the state's human investment and workforce development resources to maximize the state's efforts to provide employment opportunities for all citizens of the state with special emphasis for economically disadvantaged individuals, dislocated workers, and others with substantial barriers to employment. The council shall serve as the state advisory council required under the Wagner-Peyser Act, and other councils as determined by the governor, and provide oversight for the department's employment and training resources.

(b) The members of the council, including the chairperson, shall be appointed by the governor within sixty (60) days after a vacancy occurs.

(c) At a minimum, responsibilities of the council shall be as follows:

(1) Recommend a governor's coordination and special services plan and submit a copy of the state employment and training plan to the Indiana commission on vocational and technical education for its review.

(2) Recommend the following to the governor:

- (A) Service areas for the delivery of employment and training programs.
- (B) Plan resource allocations not subject to Section 202(a) of the JTPA.
- (C) Provide management guidance and review for all programs in the state.
- (D) Develop appropriate linkages with other programs.
- (E) Coordinate activities with private industry councils.
- (F) Recommend variations in performance standards for all employment and training programs of the department.

(3) Advise the governor and local entities on the local plans of service and certify the consistency of such plans with criteria under the governor's coordination and special services plan for coordination of activities under JTPA and Wagner-Peyser Act with other federal, state, and local employment-related programs, including programs operated in designated enterprise zones.

(4) Review the operation of programs conducted in each service area and the availability, responsiveness, and adequacy of state services and make recommendations to the governor, appropriate chief local elected officials, and private industry councils, service providers, the state legislature, and the general public with respect to ways to improve the effectiveness of such programs or services.

(5) Make an annual report to the governor, which shall be a public document, and issue such other studies, reports, or documents as the council deems advisable to assist service areas in carrying out the purposes of JTPA, the Wagner-Peyser Act, and other such federal, state, and local employment and training programs in the state.

(6) Identify, in coordination with the appropriate state agencies, the employment and training and vocational education needs throughout the state and assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, adult education, workplace literacy, and other federal, state, and local programs and services represent a consistent, integrated, and coordinated approach to meeting such needs.

(7) Comment at least once annually on the measures taken under Section 113(b)(9) of the Carl Perkins Vocational Education Act.

(8) In coordination with the appropriate state agency, advise the governor, the legislature, state agencies, and the appropriate federal agency, upon review of all plans regarding employment, training, and related service delivery systems in the state.

(9) Other duties as assigned by the governor.

(d) The council shall meet at least five (5) times a year and shall hold special meetings when called by the chairperson of the council. The council shall establish its own procedures and requirements with respect to place and conduct of its meetings consistent with IC 5-14-1.5-1. The department shall provide necessary staff to assist the council. (*Department of Workforce Development; 646 IAC 2-3-1; filed May 26, 1992, 5:00 p.m.: 15 IR 2228; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) *NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-3-1) to the Department of Workforce Development (646 IAC 2-3-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-3-2 Unemployment insurance board

Authority: IC 22-4.1-3-3

Affected: IC 22-4-18-2; IC 22-4.1-2

Sec. 2. There shall be created the Indiana unemployment insurance board with responsibility for the unemployment insurance program as described in IC 22-4-18-2. There shall be at least one (1) joint meeting of the unemployment insurance board and the workforce coordinating council to review the annual report of the department by the executive director. (*Department of Workforce Development; 646 IAC 2-3-2; filed May 26, 1992, 5:00 p.m.: 15 IR 2229; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) *NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-3-2) to the Department of Workforce Development (646 IAC 2-3-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

Rule 4. Local Planning and Coordination

646 IAC 2-4-1 Private industry council (PIC)

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. (a) Each service area shall have a PIC appointed by the chief elected official. Newly reorganized, or PICs in redesignated service areas, shall be certified by the governor. No employee of the department, grant recipient, or administrative entity

shall be appointed to the PIC, except where the grant recipient is a unit of local government or a state public education institution. In these cases, the appointee may not have direct supervisory authority over the unit charged to carry out the responsibilities of the grant recipient. The department shall appoint a representative to the PIC to represent employment service activities.

(b) The PIC shall have responsibility for policy, planning, and oversight of all resources addressed in the state approved local plan of service.

(c) The PIC and the chief local elected official shall determine the grant recipient and administrative entity for the resources under the local plan of service. The grant recipient and administrative entity may be the same entity. Grant recipients and administrative entities shall be not-for-profit organizations. (*Department of Workforce Development; 646 IAC 2-4-1; filed May 26, 1992, 5:00 p.m.: 15 IR 2229; errata filed Jul 16, 1992, 2:00 p.m.: 15 IR 2597; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*)
NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-4-1) to the Department of Workforce Development (646 IAC 2-4-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-4-2 Bylaws

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. (a) The PIC shall establish bylaws which include provisions for the selection of a chairperson, provided the chairperson is a representative of the private sector. The bylaws shall include conflict of interest provisions in accordance with department policy. For purposes of this subsection, a conflict of interest exists between the PIC and a member of the PIC with respect to:

- (1) a contract, transaction, or other matter of the contract that is between the council and the member;
- (2) any corporation, partnership, firm, association, or other entity in which the member is an officer, employee, or director receiving compensation other than per diem or expenses; or
- (3) any corporation, partnership, firm, association, or other entity in which the member is financially interested.

(b) A member of the PIC is "financially interested" in a corporation, partnership, firm, association, or other entity if:

- (1) the member or a spouse, or unemancipated child of the member, owns any legal or beneficial interest in the corporation, partnership, firm, or other entity, whether equity or debt, with a fair market value of greater than five thousand dollars (\$5,000);
- (2) the member or a spouse, or unemancipated child of the member, would directly benefit financially from a contract, transaction, or other matter between the council and corporation, partnership, firm, association, or other entity; or
- (3) the member knows that any of the following family members receives compensation other than per diem or expenses as an officer, director, partner, or other principal of the corporation, partnership, firm, association, or other entity:

- (A) spouse;
- (B) parent;
- (C) child;
- (D) sibling;
- (E) grandparent;
- (F) grandchild;
- (G) sibling of spouse; or
- (H) spouse of any person listed in clauses (B) through (G);

provided, however, that a member is not financially interested if the legal or beneficial interest consists of securities publicly traded on a national or regional securities exchange and the member's ownership does not exceed five percent (5%) of those securities outstanding or is a time or demand deposit in a financial institution or insurance policy.

(c) The minimum standards to be included in the conflict of interest provisions of the bylaws shall be as follows:

- (1) A PIC member with a conflict of interest regarding any matter is prohibited from participating in discussions and from voting in connection with that matter.
- (2) Any PIC member who significantly participates in the development of contract specifications or standards is prohibited from receiving any direct financial benefit from any resulting contract.
- (3) All PIC members must file annual statements of economic interest with the secretary of the PIC.
- (4) Any PIC member with a potential conflict of interest must disclose that fact to the PIC as soon as the potential conflict is discovered.
- (5) Any time that a contract or purchase is made by a PIC involving its own member, the PIC must justify the terms and conditions of the contract or purchase.

(d) The PIC shall assure, in the local plan of service, that the department's resources are administered by an entity adhering to merit based personnel principles approved by the department. (*Department of Workforce Development; 646 IAC 2-4-2; filed May 26, 1992, 5:00 p.m.: 15 IR 2229; errata filed Jul 16, 1992, 2:00 p.m.: 15 IR 2597; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-4-2) to the Department of Workforce Development (646 IAC 2-4-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-4-3 Development of local plans

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 3. (a) The department shall issue instructions for the plan of service for service areas in the state. The plan of service shall include the following:

- (1) How services will be integrated in each service area using the federal and state resources administered by the department.
- (2) How the employment and training program and unemployment insurance program will be coordinated at the local level.
- (b) The local plan of service shall be developed by the PIC in coordination with locally based departmental employees.

(c) The manager or supervisor of an integrated office, or group of smaller offices, may be either a state employee of the department of employment and training services or an employee of the private industry council, its administrative entity, or grant recipient.

(d) The plan of service shall be reviewed by the department and the Indiana workforce development coordinating council. Local plans consistent with the instructions and the state plan shall be approved by the department. Following approval, the department shall enter into a contract with the grant recipient.

(e) At a minimum, the plan of service shall include the following:

- (1) A description of the need for employment and training services.
- (2) A description of the services that will address the need.
- (3) Projected outcomes for services.

(f) At a minimum, the contract for services shall include the following:

(1) An organizational chart which shows the formal and functional supervisory lines of department personnel in the service area.

(2) The contract shall provide that every local department employee will be formally supervised by another department employee. If the office/supervisor manager is not a state employee of the department, the executive director shall designate a state employee supervisor or manager in that service delivery area to execute all state required supervisory functions relating to the state merit workforce. Such formal supervision shall include the following:

- (A) Hiring.
- (B) Discipline, up to and including termination.
- (C) Demotion.
- (D) Promotion.
- (E) Transfer.
- (F) Suspension.
- (G) Evaluation.
- (H) Grievance processing.

(3) Work assignments and day-to-day functional management of local department employees (except unemployment insurance staff) may be conducted by a local nondepartmental employee, in accordance with the locally approved contract between the grant recipient and the department. As an alternative to this option, a PIC may contract with DETS with non-Wagner-Peyser funds for the provision of a state employee to manage and supervise the local state merit workforce when Wagner-Peyser funds are insufficient.

(4) The work assignment location for each Wagner-Peyser personnel control number.

(5) Assurance that written policies or procedures for a single intake procedure for JTPA and Wagner-Peyser services is maintained by the administrative entity.

(6) An assurance that work assignments for department personnel shall conform to the local plan of services mutually agreed to by the private industry council, chief elected official, and the department. All such work assignments shall be consistent with state personnel requirements and be within allowable Wagner-Peyser activities. In the event the PIC has contracted with

the state (with non-Wagner-Peyser funds) to utilize state merit employees to perform other employment and training services, all such work assignments shall be consistent with state personnel requirements.

(g) Contract compliance shall be determined based on compliance with applicable federal and state laws and regulations, policy of the department, and standards of performance. (*Department of Workforce Development; 646 IAC 2-4-3; filed May 26, 1992, 5:00 p.m.: 15 IR 2230; errata filed Jul 16, 1992, 2:00 p.m.: 15 IR 2597; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-4-3) to the Department of Workforce Development (646 IAC 2-4-3) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 5. Employment and Training Programs

646 IAC 2-5-1 Service area designation

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. (a) The governor shall designate service areas based on the recommendation of the Indiana workforce development coordinating council.

(b) The governor shall approve any request to be a service area from the following:

(1) Any unit of general local government with a population of two hundred thousand (200,000) or more.

(2) Any consortium of contiguous units of general local government with an aggregate population of two hundred thousand (200,000) or more which serves as a substantial part of one (1) or more labor market areas.

(c) The governor may approve a request to be a service area from any unit of general local government or consortium of contiguous units of general local government, without regard to population, which serves a substantial portion of a labor market area.

(d) If the governor denies a request submitted under this section and the entity making such a request alleges that the decision of the governor is contrary to the provisions of this section, such entity may appeal the decision to the secretary of labor, who shall make a final decision within thirty (30) days after such appeal is received.

(e) The governor may redesignate service areas no more frequently than every two (2) years. Such redesignation shall be made not later than four (4) months before the beginning of the program year. The governor shall make such redesignation if a petition to do so is filed by an entity specified in subsection (b). (*Department of Workforce Development; 646 IAC 2-5-1; filed May 26, 1992, 5:00 p.m.: 15 IR 2231; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-5-1) to the Department of Workforce Development (646 IAC 2-5-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-5-2 Service provider selection

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. (a) The department may issue policies for the selection of service providers or program services distinct from the procurement policies applicable to vendors of supplies, equipment, construction, and services consistent with subsection (d).

(b) These policies shall apply to the department, grant recipients, administrative entities, and other entities directly contracting with the department, contracted by the department for the provisions of employment and training services, and all subcontractors of those entities who provide employment and training services in an assistance relationship for programs for which the department has administrative responsibility.

(c) The department shall require that grant recipients and other entities directly contracting with the department have written policies and procedures to assure that primary consideration in selecting agencies or organizations to deliver services within a service area shall be based upon the effectiveness of the agency or organization in delivering comparable or related services based on demonstrated performance goals, costs or price, quality of training, and characteristics of participants. Organizations or agencies so selected must be entities which are legally authorized to enter into contractual relationships.

(d) The department shall require grant recipients, and other entities directly contracting with the department for funds other than Wagner-Peyser, to have written procurement policies which include prohibition against the duplication of facilities or services available in the area (with or without reimbursement) from federal, state, or local services, unless it is demonstrated that the alternate services or facilities would be more effective or more likely to achieve the service area's performance goals. (*Department of*

Workforce Development; 646 IAC 2-5-2; filed May 26, 1992, 5:00 p.m.: 15 IR 2231; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-5-2) to the Department of Workforce Development (646 IAC 2-5-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-5-3 Job orders

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 3. (a) The department and its grant recipients shall make no job referrals on job orders which will aid directly or indirectly in the filling of a covered job opening:

- (1) which is vacant, or anticipated to be vacant, because the former occupant is, or is anticipated to be, on strike;
- (2) is being locked out in the course of a labor dispute;
- (3) the filling of which is otherwise an issue in a labor dispute involving a work stoppage; or
- (4) which provides any other department service involving covered workers and job positions in an employing establishment.

(b) Written notification shall be provided to all applicants referred to jobs that are not at issue in the labor dispute and shall include the following:

- (1) Notification that a labor dispute exists in the employing establishment.
- (2) Notification that the job to which the applicant is being referred is not at issue.
- (c) When a job order or request for department services is received from an employer reportedly involved in a labor dispute involving a work stoppage, the department or its grant recipients shall do the following:

(1) Verify the existence of the labor dispute and determine its significance with respect to each vacancy involved in job orders.

(2) Notify all potentially affected staff concerning the labor dispute.

(d) The department and its grant recipients shall resume full department services when they have been notified of, and verified with the employer and the workers' representative, that the labor dispute has been terminated.

(e) The department shall notify the regional office, in writing, of the existence of a labor dispute which:

- (1) results in a work stoppage at an establishment involving a significant number of workers; or
- (2) involves multiestablishment employers with other establishments outside the reporting state.

(Department of Workforce Development; 646 IAC 2-5-3; filed May 26, 1992, 5:00 p.m.: 15 IR 2231; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-5-3) to the Department of Workforce Development (646 IAC 2-5-3) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 6. Reports and Record Keeping

646 IAC 2-6-1 Reports and record keeping

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. (a) The department shall be required to keep records that are sufficient to permit the preparation of reports required by federal and state funding sources and to permit the tracing of funds to a level of expenditure adequate to ensure that funds have not been spent unlawfully.

(b) Each grant recipient shall make reports in the form and manner determined by the executive director to enable the department to assure adherence to fiscal requirements, determine program effectiveness and integrity, conform to requirements of the JTPA, Wagner-Peyser Act, and corresponding regulations, and fulfill other requirements of programs which it administers.

(c) Each grant recipient, and other entities directly contracting with the department, shall keep fiscal programmatic and participant records that are sufficient to permit preparation of reports required by the department and the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully.

(d) Each grant recipient, and other entities directly contracting with the department, shall, as specified by the director, maintain such records and submit such reports in such form and containing such information as the department requires regarding the performance of its programs. *(Department of Workforce Development; 646 IAC 2-6-1; filed May 26, 1992, 5:00 p.m.: 15 IR 2232;*

readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-6-1) to the Department of Workforce Development (646 IAC 2-6-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 7. Fiscal and Programmatic Accountability

646 IAC 2-7-1 Fiscal accountability

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. (a) The department shall establish policies, standards, and guidelines for the procurement of supplies, equipment, construction, and services for itself, grant recipients, and other entities directly contracting with the department. Procurement policies, standards, and guidelines established by the department shall be consistent with existing state procurement policies, and where not otherwise required or precluded by statute, the department may determine and adopt appropriate cost and management principles as its procurement policies, standards, and guidelines for itself, for grant recipients, and other entities directly contracting with the department.

(b) The department shall require that grant recipients, and other entities directly contracting with the department, develop written policies and procedures consistent with the following:

- (1) Applicable federal Office of Management and Budget circulars.
- (2) The provisions of 41 CFR 29 through 41 CFR 70.
- (3) Other policies and guidelines developed by the department.

Local policies and procedures shall not be less restrictive than those established by the department. *(Department of Workforce Development; 646 IAC 2-7-1; filed May 26, 1992, 5:00 p.m.: 15 IR 2232; errata filed Jul 16, 1992, 2:00 p.m.: 15 IR 2597; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-7-1) to the Department of Workforce Development (646 IAC 2-7-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-7-2 Match

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. The department shall define and require the provision of adequate resources to meet the matching requirements of state and federal assistance programs and any existing state or federal laws. *(Department of Workforce Development; 646 IAC 2-7-2; filed May 26, 1992, 5:00 p.m.: 15 IR 2232; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-7-2) to the Department of Workforce Development (646 IAC 2-7-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 2-7-3 Programmatic incentives or remedies

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 3. (a) The department shall determine applicable remedies for noncompliance with the law, regulations, and department policy.

(b) Remedies may include, but are not limited to, the following:

- (1) Withholding of funds.
- (2) Technical assistance as part of corrective action.
- (3) Reorganization of the private industry council.
- (4) Redesignation of the service area.

(c) The department shall establish an incentive system based on performance measures for the purpose of oversight, evaluation, and monitoring the performance of an integrated employment and training system. *(Department of Workforce Development; 646 IAC 2-7-3; filed May 26, 1992, 5:00 p.m.: 15 IR 2233; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-7-3) to the Department of Workforce Development (646 IAC 2-7-3)*

by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 2-7-4 Oversight

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 4. (a) The department shall perform evaluation, monitoring, and audits at intervals and depth of scope in such a manner as determined by the department and consistent with requirements of the Indiana state board of accounts.

(b) The department shall determine and communicate the oversight responsibilities and activities of the grant recipient, administrative entity, and other entities directly contracting with the department.

(c) The department may periodically review, rescind, and/or reissue policy as it deems necessary.

(d) The department shall evaluate its program according to applicable evaluation criteria established by the Indiana commission on vocational and technical education and shall submit findings to the commission.

(e) As used in this section, the "department's program" means the comprehensive service areawide program administered by the department's grant recipients. The department shall submit findings regarding its sixteen (16) grant recipients to the commission annually. The department shall not evaluate eligible recipients as defined by the Carl Perkins Act.

(f) The department shall not deny funding to grant recipients based on any effectiveness criteria which is not a requirement of any act or rule pertinent to the department's funding sources.

(g) The department shall not utilize any effectiveness criteria which are measurements of process rather than outcomes.

(h) The department shall not use funds from JTPA, Wagner-Peyser Act, Trade Adjustment Assistance, Unemployment Insurance, or any other current funding source for the purpose of carrying out any such evaluations which are beyond the requirements of the department of labor for measuring program effectiveness. (*Department of Workforce Development; 646 IAC 2-7-4; filed May 26, 1992, 5:00 p.m.: 15 IR 2233; errata filed Jul 16, 1992, 2:00 p.m.: 15 IR 2597; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-7-4) to the Department of Workforce Development (646 IAC 2-7-4) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 8. Uniform Identification of Employment and Training Offices

646 IAC 2-8-1 Logo

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. (a) The department shall designate an official logo, and employment and training offices shall incorporate the logo in signage and letterheads.

(b) This section shall not preclude a service area from utilizing any other logo in addition to that designated by the department. (*Department of Workforce Development; 646 IAC 2-8-1; filed May 26, 1992, 5:00 p.m.: 15 IR 2233; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-8-1) to the Department of Workforce Development (646 IAC 2-8-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 9. Programmatic Grievance

646 IAC 2-9-1 Establishment of grievance procedures

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. (a) The department shall formulate and maintain a state level grievance procedure and shall ensure the establishment of procedures at the service area level for any complaint involving violation of rules and regulations of state and federal programs for which the department has responsibility.

(b) Each grant recipient, administrative entity, or other entities directly contracting with the department, shall establish and maintain a grievance procedure for grievances or complaints about its programs and activities from participants, subgrantees, subcontractors, and other interested persons.

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(c) Nothing in this section precludes or supersedes access to grievance procedures under state or local merit personnel policies and procedures.

(d) At a minimum, a grievance procedure shall include those provisions identified in the JTPA and department policy. (*Department of Workforce Development; 646 IAC 2-9-1; filed May 26, 1992, 5:00 p.m.: 15 IR 2233; errata filed Jul 16, 1992, 2:00 p.m.: 15 IR 2597; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 3-9-1) to the Department of Workforce Development (646 IAC 2-9-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

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