

## TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT

### ARTICLE 1. EMPLOYMENT AND TRAINING SERVICES; OPPORTUNITIES INDUSTRIALIZATION CENTERS

#### Rule 1. General Provisions

##### 646 IAC 1-1-1 Definitions

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. Definitions-As used in this article [646 IAC 1], unless the context requires another meaning, the following terms shall have meaning as indicated:

- (a) "Like Community Based Organizations" means private non-profit organizations, the boards of which are representative of communities, or significant segments of communities, whose primary purpose is to provide employment and training services to economically disadvantaged people.
- (b) "Unemployed" means an individual who is without a job, and who wants, and is available for work.
- (c) "Underemployed" means an individual:
  - (1) working part time but seeking full time work;
  - (2) working full time but receiving wages below the greater of:
    - (i) the poverty level determined in accordance with criteria established by the U.S. Office of Management and Budget.
    - (ii) seventy percent (70%) of the lower living standard income level as determined by the Bureau of Labor Statistics.
- (d) "Economically Disadvantaged" as defined in the Comprehensive Employment and Training Act (CETA) of 1978 means a person who:
  - (1) receives, or is a member of a family which:
    - (i) receives cash welfare payments under a Federal, State or Local welfare program or,
    - (ii) had a family income during the six (6) month period prior to application for the program involved which would have qualified such family for such cash welfare payments, subject to regulations of the U.S. Secretary of Labor;
  - (2) has, or is a member of a family which has, received a total family income for the six (6) month period prior to application for the program involved (exclusive of unemployment compensation and welfare payments) which, in relation to family size, was not in excess of the higher of:
    - (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or;
    - (ii) seventy percent (70%) of the lower living standard income level; as determined by the Federal Bureau of Labor Statistics;
  - (3) is a foster child on behalf of whom state or local government payments are made; or
  - (4) in cases permitted by regulations of the U.S. Secretary of Labor, is a handicapped individual living at home or is an individual who is institutionalized or receiving services in, or is a client of, a sheltered workshop, prison, hospital or similar institution, or in community care.
- (e) "Areas within the state" shall mean Indiana counties within service areas of those organizations both certified as eligible to apply and are applying for funds.
- (f) "Equitable" shall mean distribution among those counties for which acceptable proposals have been received, according to the following formula: 1) one half of available dollars on the basis of the proportion of each county's number of unemployed people, in comparison with the total number of unemployed people in all such counties, and 2) one half on the basis of the number of proportion of low income people, in comparison with the total number of low income people in all such counties. Statistics for such distribution will be the most recent, available statistics from the Indiana Employment Security Division.
- (g) "Adequate administrative systems" shall mean that those systems must at least meet the criteria of administrative controls and accountability as required by the Indiana Office of Occupational Development, for disbursement and accountability of appropriated state funds.
- (h) "Lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural difference and family size) determined annually by the Labor Secretary based upon the most recent "lower living family

budget” issued by the U.S. Secretary of Labor.

*(Department of Workforce Development; Rule 1, Sec 1; filed Dec 10, 1979, 2:15 pm: 3 IR 38; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 1-1-1) to the Department of Workforce Development (646 IAC 1-1-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

**646 IAC 1-1-2 Use of appropriations**

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. Financial assistance is provided for comprehensive job training and related services for economically disadvantaged, unemployed and underemployed individuals. Comprehensive job training and related services include: recruitment, counseling, remedial education, motivational pre-job training, vocational training, job development, job placement, and other appropriate services enabling individuals to secure and retain employment at their maximum capacity.

(a) Any appropriation made by the General Assembly shall be used:

(1) for comprehensive job training and related services or job opportunities programs for economically disadvantaged, unemployed and underemployed individuals, including persons of limited English speaking ability through Opportunities Industrialization Centers and other like community based organizations.

(2) for the establishment, start up, and operation in the state of these centers.

*(Department of Workforce Development; Rule 1, Sec 2; filed Dec 10, 1979, 2:15 pm: 3 IR 39; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 1-1-2) to the Department of Workforce Development (646 IAC 1-1-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

**646 IAC 1-1-3 Administration and approval of grants and programs; certification of agencies**

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 3. (a) The Office of Occupational Development established under IC-4-23-14 [*IC 4-23-14 was repealed by P.L.18-1987, SECTION 112, effective July 1, 1987.*], shall administer this Article [646 IAC 1]. Each grant or program shall require the approval of the Governor and the State Budget Agency. If an agency is not an Opportunity Industrialization Center, it must first obtain an eligibility certification from the Indiana Office of Occupational Development. Detailed requirements for eligibility certification will be included in the Request for Proposals (RFP's).

(b) In considering agencies for certification, the agency must demonstrate adequate administrative systems and procedures in regard to—

(1) program monitoring systems;

(2) eligibility verification systems;

(3) complaint and hearing procedures;

(4) mechanisms for taking immediate corrective action where problems have been identified;

(5) all recipients shall establish and maintain financial management and participant tracking systems;

(6) demonstrated effectiveness in program performance.

*(Department of Workforce Development; Rule 1, Sec 3; filed Dec 10, 1979, 2:15 pm: 3 IR 39; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 1-1-3) to the Department of Workforce Development (646 IAC 1-1-3) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

**646 IAC 1-1-4 Criteria for distribution of funds**

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 4. The criteria for the distribution of funds under this chapter *[this section]* shall include requirements:

(a) that the program receiving state assistance:

- (1) involve residents in the area to be served by the program, in planning and operation of the program;
- (2) involve the business community in the area to be served by the program in its development and operation;
- (3) that funded organizations be able to demonstrate that (1) and (2) of this section have been met.

(b) that the distribution of assistance among areas within the state be equitable. If no proposals are forthcoming from any area, the Indiana Office of Occupational Development may use the funds to increase funding in another area. Under unusual circumstances, it may occur that more than one proposal is acceptable for a program to receive funding in a given county. Should this occur, the Indiana Office of Occupational Development will divide that county's allocation, taking into consideration the following:

- (1) the targeting of services of competing organizations to segments of eligible participants
- (2) the relative numbers of participants served by each organization
- (3) the relative need among targeted populations

(c) that notice of application for funding should be provided to the appropriate CETA prime sponsor(s) approximately 30 days prior to submission of a proposal in order that the prime sponsor may comment on such application. When the proposal is submitted to the Indiana Office of Occupational Development, it must also be submitted to the appropriate prime sponsor(s) in order that the prime sponsor may comment.

(d) that financial assistance under this chapter to any program may not exceed twenty-five percent (25%) of the cost of the organization's funding level, (including administration), with the exception of (e) of this section.

(e) for those organizations established within the preceding twelve (12) months from application for funds and displaying the likelihood of having adequate administrative systems consistent with the CETA Act of 1978, within their first year, the match may be up to fifty percent (50%) of the organization's funding level.

(f) that up to ten percent (10%) of the total allocation may be used by the Indiana Office of Occupational Development for costs related to administration of this program.

(g) that up to ten percent (10%) of the total allocation may be used to fund administrative costs of an organization with statewide scope whose membership consists of Opportunities Industrialization Centers or like community based organizations.

*(Department of Workforce Development; Rule 1, Sec 4; filed Dec 10, 1979, 2:15 pm: 3 IR 40; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 1-1-4) to the Department of Workforce Development (646 IAC 1-1-4) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

#### **646 IAC 1-1-5    Distribution of excess funds**

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 5. The Office of Occupational Development, with the approval of the Governor, may make a distribution in excess of the limit prescribed in section 4(d) of this rule if it determines that the excess distribution is necessary to further the objectives of this article *[646 IAC 1]*. *(Department of Workforce Development; Rule 1, Sec 5; filed Dec 19, 1979, 2:15 pm: 3 IR 40; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 1-1-5) to the Department of Workforce Development (646 IAC 1-1-5) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

#### **646 IAC 1-1-6    Direct distributions; conditional distributions**

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 6. The Office of Occupational Development may make a distribution of funds directly to a program, or may make a distribution subject to such conditions as will ensure use consistent with the distribution and utilization of funds under the Federal Comprehensive Employment and Training Act of 1973 as amended and in effect July 1, 1979. *(Department of Workforce Development; Rule 1, Sec 6; filed Dec 10, 1979, 2:15 pm: 3 IR 40; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE:*

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*Transferred from the Department of Employment and Training Services (645 IAC 1-1-6) to the Department of Workforce Development (646 IAC 1-1-6) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

**646 IAC 1-1-7    Performance contracts**

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 7. All monies distributed by the Indiana Office of Occupational Development through this program shall be distributed through performance contracts. Failure to meet performance standards including programmatic, reporting, and administrative, may result in contract cancellation by the Indiana Office of Occupational Development. *(Department of Workforce Development; Rule 1, Sec 7; filed Dec 10, 1979, 2:15 pm: 3 IR 41; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Department of Employment and Training Services (645 IAC 1-1-7) to the Department of Workforce Development (646 IAC 1-1-7) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

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