

ARTICLE 2. EMPLOYMENT AND TRAINING SERVICES; POLICIES AND PROCEDURES

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 (Expired)

Sec. 2. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

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 (Expired)

Sec. 6. (Expired under IC 4-22-2.5, effective January 1, 2009.)

646 IAC 2-1-7 "Departmental employee" defined (Expired)

Sec. 7. (Expired under IC 4-22-2.5, effective January 1, 2009.)

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 (Expired)

Sec. 9. (Expired under IC 4-22-2.5, effective January 1, 2009.)

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 (Expired)

Sec. 13. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

646 IAC 2-1-14 "IMPACT" defined (Expired)

Sec. 14. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

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

Sec. 15. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

646 IAC 2-1-16 "JOBS" defined (Expired)

Sec. 16. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

646 IAC 2-1-17 "JTPA" defined (Expired)

Sec. 17. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

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 (Expired)

Sec. 20. *(Expired under IC 4-22-2.5, effective January 1, 2009.)*

646 IAC 2-1-21 "PIC" defined (Expired)

Sec. 21. *(Expired under IC 4-22-2.5, effective January 1, 2009.)*

646 IAC 2-1-22 "Preferential consideration" defined (Expired)

Sec. 22. *(Expired under IC 4-22-2.5, effective January 1, 2009.)*

646 IAC 2-1-23 "Private industry council" defined (Expired)

Sec. 23. *(Expired under IC 4-22-2.5, effective January 1, 2009.)*

646 IAC 2-1-24 "Service area" defined (Expired)

Sec. 24. *(Expired under IC 4-22-2.5, effective January 1, 2009.)*

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 (Expired)

Sec. 27. *(Expired under IC 4-22-2.5, effective January 1, 2009.)*

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 (Expired)

(Expired under IC 4-22-2.5, effective January 1, 2009.)

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

(Expired under IC 4-22-2.5, effective January 1, 2009.)

Rule 4. Local Planning and Coordination (Expired)

(Expired under IC 4-22-2.5, effective January 1, 2009.)

Rule 5. Employment and Training Programs

646 IAC 2-5-1 Service area designation (Expired)

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2009.)*

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 (Expired)

(Expired under IC 4-22-2.5, effective January 1, 2009.)

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 (Expired)

Sec. 3. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

646 IAC 2-7-4 Oversight (Expired)

Sec. 4. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

Rule 8. Uniform Identification of Employment and Training Offices (Expired)

(*Expired under IC 4-22-2.5, effective January 1, 2009.*)

Rule 9. Programmatic Grievance (Expired)

(*Expired under IC 4-22-2.5, effective January 1, 2009.*)

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