
TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT

Notice of First Public Comment Period
LSA Document #24-495

LAST KNOWN EMPLOYER RECORDS PROCESSING FEE

PURPOSE OF NOTICE

The Department of Workforce Development (department) is soliciting public comment on adding a rule at [646 IAC 5-14](#) concerning the processing fee charged by the department for last known employer (LKE) records. The department seeks comment on the affected citations listed and any other provisions of Title 646 that may be affected by this rulemaking.

ADDITIONAL DOCUMENTS

Regulatory Analysis: [20241211-IR-646240495RAA](#)

Notice of Public Hearing: [20241211-IR-646240495PHA](#)

CITATIONS AFFECTED: [646 IAC 5-14](#)

AUTHORITY: [IC 22-4-19-1](#)

OVERVIEW

Basic Purpose and Background

House Enrolled Act 1623-2023 (HEA 1623) established new requirements for executive agency rulemaking and provided a safe harbor for executive agencies to come into compliance with Indiana Code regarding fees, fines, and civil penalties set by the agency. This proposed rule is being promulgated to comply with HEA 1623.

Processing fees charged by the department for LKE records are set forth in statute. Under [IC 22-4-19-6\(k\)](#), under certain circumstances, the department may charge a processing fee not to exceed two dollars (\$2) for each record that provides information about an individual's LKE. The department currently charges a two dollar (\$2) processing fee for each LKE record. The proposed rule specifies the dollar amount of the current LKE record processing fee assessed by the department. This rule will be added to [646 IAC 5](#) and does not change the amount of the fee currently charged by the department.

Small Business Contact Information

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Elizabeth Green
General Counsel
Department of Workforce Development
10 North Senate Avenue, Room SE302
Indianapolis, IN 46204
(317) 234-8451
egreen@dwd.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

REQUEST FOR PUBLIC COMMENT

The department is soliciting public comment on the proposed rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #24-494 Last Known Employer Records Processing Fee
Elizabeth Green
General Counsel
Indiana Department of Workforce Development
10 North Senate Avenue, Room SE302
Indianapolis, IN 46204

(2) By email to egreen@dwd.in.gov. PLEASE NOTE: Email comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.

(3) Attend scheduled public hearing.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than January 10, 2025.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Department of Workforce Development, Legal Division, 10 North Senate Avenue, Room SE115, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the Department of Workforce Development office.

If the department does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

PROPOSED RULE

SECTION 1. [646 IAC 5-14](#) IS ADDED TO READ AS FOLLOWS:

Rule 14. Last Known Employer Information

[646 IAC 5-14-1](#) Processing fee for last known employer records

Authority: [IC 22-4-19-1](#)

Affected: [IC 22-4-19-6](#)

Sec. 1. The department will charge a processing fee of two dollars (\$2) for each record that provides information about an individual's last known employer in compliance with a court order under [IC 22-4-19-6\(k\)](#).

(Department of Workforce Development; [646 IAC 5-14-1](#))

Posted: 12/11/2024 by Legislative Services Agency

An [html](#) version of this document.