

**TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT****Notice of First Public Comment Period**

LSA Document #25-747

**LAST KNOWN EMPLOYER RECORDS PROCESSING FEE****PURPOSE OF NOTICE**

The Department of Workforce Development (department) is soliciting public comment on repealing rules at [646 IAC 5-14](#). 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: [20251210-IR-646250747RAA](#)Notice of Public Hearing: [20251210-IR-646250747PHA](#)**CITATIONS AFFECTED:** [646 IAC 5-14](#)**AUTHORITY:** [IC 22-4-19-1](#)**OVERVIEW****Basic Purpose and Background**

Processing fees charged by the department for last known employer (LKE) records are set forth in statute. In 2023, the Indiana general assembly passed House Enrolled Act (HEA) 1623, which 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. On March 19, 2025, in response to HEA 1623, the department promulgated [646 IAC 5-14](#), which added to the Indiana Administrative Code the specific dollar amount of the fee per LKE record as charged by the department at that time – two dollars (\$2) per LKE record.

After the promulgation of [646 IAC 5-14](#), the Indiana general assembly passed Senate Enrolled Act (SEA) 371, which amended the language of [IC 22-4-19-6](#) to require the department to charge a processing fee of six dollars (\$6) per LKE record. SEA 371 became effective on July 1, 2025. This rulemaking repeals [646 IAC 5-14](#) to eliminate conflict between administrative code and [IC 22-4-19-6](#), as the department is statutorily required to charge a processing fee of six dollars (\$6). Because SEA 371's amendment of [IC 22-4-19-6](#) sets forth the specific fee amount, a rule is not needed to maintain compliance with HEA 1623.

**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](mailto: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:

Caleb Wakeman

Small Business Ombudsman

Indiana Economic Development Corporation

One North Capitol, Suite 700

Indianapolis, IN 46204

(463) 269-2670

[Ombudsman@iedc.IN.gov](mailto:Ombudsman@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 #25-747 Last Known Employer Records Processing Fee

Elizabeth Green

General Counsel

Department of Workforce Development

10 North Senate Avenue, Room SE302

Indianapolis, IN 46204

(2) By email to [egreen@dwd.in.gov](mailto: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 9, 2026.

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 REPEALED.

*Posted: 12/10/2025 by Legislative Services Agency*