

IC 22-4.1-4

Chapter 4. Duties

IC 22-4.1-4-1

Duties transferred from repealed workforce development initiatives

Sec. 1. The department may undertake duties identified by the commissioner as related to workforce development initiatives that were required of or authorized to be undertaken before July 1, 1994, by:

- (1) the department of employment and training services (repealed);
- (2) the office of workforce literacy established by IC 22-4.1-10-1 (repealed); or
- (3) the Indiana commission for career and technical education established by IC 22-4.1-13-6 (repealed).

As added by P.L.105-1994, SEC.5. Amended by P.L.21-1995, SEC.142; P.L.1-2005, SEC.187; P.L.140-2007, SEC.7; P.L.234-2007, SEC.146; P.L.3-2008, SEC.162; P.L.69-2015, SEC.31.

IC 22-4.1-4-1.5

Powers and duties

Sec. 1.5. (a) The department shall do the following:

- (1) Administer the Wagner-Peyser program, the WIOA, a free public labor exchange, and related federal and state employment and training programs as directed by the governor.
- (2) Formulate and implement an employment and training plan as required by the WIOA, and the Wagner-Peyser Act (29 U.S.C. 49 et seq.).
- (3) Coordinate activities with all state agencies and departments that either provide employment and training related services or operate appropriate resources or facilities, to maximize Indiana's efforts to provide employment opportunities for economically disadvantaged individuals, dislocated workers, and others with substantial barriers to employment.
- (4) Apply for, receive, disburse, allocate, and account for all funds, grants, gifts, and contributions of money, property, labor, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government.
- (5) Enter into agreements with the United States government that may be required as a condition of obtaining federal funds related to activities of the department.
- (6) Enter into contracts or agreements and cooperate with local governmental units or corporations, including profit or nonprofit corporations, or combinations of units and corporations to carry out the duties of the department imposed by this chapter, including contracts for the establishment and administration of

employment and training offices and the delegation of the department's administrative, monitoring, and program responsibilities and duties set forth in this article.

(7) Perform other services and activities that are specified in contracts for payments or reimbursement of the costs made with the Secretary of Labor, any federal, state, or local public agency or administrative entity, or a private for-profit or nonprofit organization under the WIOA.

(8) Enter into contracts or agreements and cooperate with entities that provide career and technical education to carry out the duties imposed by this article.

(b) The department shall distribute federal funds made available for employment training in accordance with:

(1) the WIOA, and other applicable federal laws; and

(2) the plan prepared by the department under subsection (c)(1).

(c) In addition to the duties prescribed in subsections (a) and (b), the department shall do the following:

(1) Implement the postsecondary career and technical education programming plan prepared by the council under IC 22-4.1-19-4.

(2) Upon request of the budget director, prepare a legislative budget request for state and federal funds for employment training. The budget director shall determine the period to be covered by the budget request.

(3) Make or cause to be made studies of the needs for various types of programs that are related to employment training and authorized under the WIOA.

(4) Distribute state funds made available for employment training that have been appropriated by the general assembly in accordance with the general assembly appropriation.

As added by P.L.69-2015, SEC.32.

IC 22-4.1-4-2

Repealed

(As added by P.L.257-1997(ss), SEC.35. Amended by P.L.290-2001, SEC.34; P.L.131-2009, SEC.4; P.L.154-2013, SEC.8. Repealed by P.L.69-2015, SEC.33.)

IC 22-4.1-4-3

Training program priority for National Guard members and spouses

Sec. 3. (a) As used in this section, "active duty" means full-time service in the National Guard for more than thirty (30) consecutive days in a calendar year.

(b) As used in this section, "National Guard" means:

(1) the Indiana Army National Guard; or

(2) the Indiana Air National Guard.

(c) This section applies to a member of the National Guard who:

(1) is a resident of Indiana; and

(2) serves on active duty.

(d) Unless otherwise provided by federal law, the department shall give a member of the National Guard or the spouse of a member of the National Guard priority for placement in any federal or state employment or training program administered by the department if the member or the member's spouse:

- (1) submits documentation satisfactory to the department establishing the dates of the member's active service; and
- (2) meets the eligibility requirements for the program.

(e) The priority status under subsection (d) for a member of the National Guard expires one (1) year after the date the member is discharged or released from active duty.

(f) The priority status under subsection (d) for the spouse of a member of the National Guard expires on the date the member is discharged or released from active duty.

As added by P.L.11-2007, SEC.1.

IC 22-4.1-4-4

Repealed

(As added by P.L.164-2009, SEC.4. Repealed by P.L.69-2015, SEC.34.)

IC 22-4.1-4-5

Repealed

(As added by P.L.172-2011, SEC.129. Repealed by P.L.69-2015, SEC.35.)

IC 22-4.1-4-6

Allocation of funds for adult and dislocated worker training

Sec. 6. (a) This section applies to state fiscal years beginning after June 30, 2014.

(b) The council shall allocate as provided in this section a percentage of the funds made available to Indiana under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) for adult and dislocated worker training described in 29 U.S.C. 2864(d)(4)(D) for performance based funding training.

(c) The following conditions apply to amounts awarded under subsection (b):

- (1) Only a provider approved by the council is eligible to provide the performance based funding training described in subsection (b), with priority given to a provider that assists in job placement activities after the training is completed.
- (2) The council shall establish performance based funding criteria for eligible training providers.
- (3) Training is limited to training that leads to occupations:
 - (A) that the department has categorized as high demand, high wage jobs; and
 - (B) that are tied to existing employer demand in the region in which the training is offered.

(4) Training must be available to eligible individuals who have received a high school diploma or equivalency certificate.

(5) Training is limited to training that leads to:

(A) industry recognized credentials as designated by the department; or

(B) associate degrees.

(d) The department shall report to the Indiana workforce intelligence system established by IC 22-4.5-10-3 the following data for each individual who receives training provided under this section:

(1) The name and address of the training provider.

(2) The amount of funding that was provided for the training.

(3) The outcome or results of the training, including any license, credential, or degree awarded, or the job obtained by the individual.

(e) This section expires July 1, 2015.

As added by P.L.46-2014, SEC.6. Amended by P.L.69-2015, SEC.36.

IC 22-4.1-4-7

Information sharing; business formation

Sec. 7. The department shall, in coordination with the secretary of state, use the Internet web site established under IC 4-5-10 to share information with other state agencies and to provide a single point of contact for any person to accomplish the following:

(1) Completing and submitting an application for a license, registration, or permit that is issued by the department and that is required for the applicant to transact business in the state.

(2) Filing with the department documents that are required for the filer to transact business in the state.

(3) Remitting payments for any fee that must be paid to the department for a payer to transact business in the state, including application fees, filing fees, license fees, permit fees, and registration fees.

As added by P.L.146-2014, SEC.3.

IC 22-4.1-4-8

Annual report of training activities by department or workforce service areas

Sec. 8. (a) The department annually shall prepare a written report of its training activities and the training activities of the workforce service area during the immediately preceding state fiscal year. The department's annual report for a particular state fiscal year must include information for each training project for which either the department or the workforce service area provided any funding during that state fiscal year. At a minimum, the following information must be provided for each training project:

(1) A description of the training project, including the name and address of the training provider.

(2) The amount of funding that either the department or the workforce service area provided for the project and an

indication of which entity provided the funding.

(3) The number of trainees who participated in the project.

(4) Demographic information about the trainees, including:

(A) the age of each trainee;

(B) the education attainment level of each trainee; and

(C) for those training projects that have specific gender requirements, the gender of each trainee.

(5) The results of the project, including:

(A) skills developed by trainees;

(B) any license or certification associated with the training project;

(C) the extent to which trainees have been able to secure employment or obtain better employment; and

(D) descriptions of the specific jobs which trainees have been able to secure or to which trainees have been able to advance.

(b) With respect to trainees that have been able to secure employment or obtain better employment, the department shall compile data on the retention rates of those trainees in the jobs which the trainees secured or to which they advanced. The department shall include information concerning those retention rates in each of its annual reports.

(c) On or before October 1 of each state fiscal year, each workforce service area shall provide the department with a written report of its training activities for the immediately preceding state fiscal year. The workforce service area shall prepare the report in the manner prescribed by the department. However, at a minimum, the workforce service area shall include in its report the information required by subsection (a) for each training project for which the workforce service area provided any funding during the state fiscal year covered by the report. In addition, the workforce service area shall include in each report retention rate information as set forth in subsection (b).

(d) The department shall provide a copy of its annual report for a particular state fiscal year to the:

(1) governor;

(2) legislative council; and

(3) unemployment insurance board;

on or before December 1 of the immediately preceding state fiscal year. An annual report provided under this subsection to the legislative council must be in an electronic format under IC 5-14-6. *As added by P.L.69-2015, SEC.37.*

IC 22-4.1-4-9

Labor market demand and average wage level reports for department of education

Sec. 9. (a) Before December 1 of each year, the department shall provide the department of education (established by IC 20-19-3-1) with a report, to be used to determine career and technical education

grant amounts in the state fiscal year beginning after the year in which the report is provided, listing whether the labor market demand for each generally recognized labor category is more than moderate, moderate, or less than moderate. In the report, the department shall categorize each of the career and technical education programs using the following four (4) categories:

(1) Programs that address employment demand for individuals in labor market categories that are projected to need more than a moderate number of individuals.

(2) Programs that address employment demand for individuals in labor market categories that are projected to need a moderate number of individuals.

(3) Programs that address employment demand for individuals in labor market categories that are projected to need less than a moderate number of individuals.

(4) All programs not covered by the employment demand categories of subdivisions (1) through (3).

(b) Before December 1 of each year, the department shall provide the department of education with a report, to be used to determine grant amounts that will be distributed under IC 20-43-8 in the state fiscal year beginning after the year in which the report is provided, listing whether the average wage level for each generally recognized labor category for which career and technical education programs are offered is a high wage, a moderate wage, or a less than moderate wage.

(c) In preparing the labor market demand report under subsection (a) and the average wage level report under subsection (b), the department shall, if possible, list the labor market demand and the average wage level for specific regions, counties, and municipalities.

(d) If a new career and technical education program is created by rule of the state board of education, the department shall determine the category in which the program should be included.

As added by P.L.69-2015, SEC.38.