

TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT

Proposed Rule LSA Document #23-343

DIGEST

Adds 646 IAC 5-9-3.1 concerning work search requirements and acceptable work search activities. Adds 646 IAC 5-9-3.2 concerning notification by the department of workforce development (department) regarding the requirement for claimants to be actively seeking work, and the work search activities the department will verify. Amends 646 IAC 5-9-5 concerning case-by-case determinations of suitable work, and the distance to and from a claimant's residence or most recent worksite that the department considers reasonable regarding suitable work. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

646 IAC 5-9-3.1; 646 IAC 5-9-3.2; 646 IAC 5-9-5

SECTION 1. 646 IAC 5-9-3.1 IS ADDED TO READ AS FOLLOWS:

646 IAC 5-9-3.1 Requirement to be actively seeking work

Authority: IC 22-4-18-1; IC 22-4-14-3; IC 22-4.1-3-3

Affected: IC 22-4-14-3; IC 22-4.1

Sec. 3.1. (a) As a condition of eligibility for unemployment compensation in any week, a claimant must be able to work, available to work, and actively seeking work, unless exempted under IC 22-4-14-3.

(b) For purposes of this section, a claimant must meet the following requirements to be actively seeking work:

(1) The claimant has affirmed that they have made an effort to secure full-time work.

(2) The claimant has performed at least two (2) acceptable work search activities, including work search activities provided by the department to the claimant through the claimant's Uplink homepage.

(3) Acceptable work search activities may include:

(A) creating a reemployment plan, in conjunction with a WorkOne office;

(B) creating a resume;

(C) uploading a resume to Indiana Career Connect (ICC);

(D) registering for work with ICC, a placement firm, temporary work agencies, or an educational institution with job placement offices;

(E) using online career tools reasonably expected to improve the claimant's likelihood of finding employment;

(F) logging on and looking for work in ICC;

(G) using reemployment services in a WorkOne center or completing similar online or self-service activities (e.g., obtaining and using labor market and career information, participating in Reemployment Services and Eligibility Assessment (RESEA) activities, participating in skills assessment for occupational matching, instructional workshops, or other specialized activities);

(H) completing job applications for employers that have (or are reasonably expected to have) job openings, or following through on job referrals or job development attempts, as directed by state workforce or unemployment insurance staff;

(I) applying for or participating in, or both, employment and training services provided by partner programs in WorkOne centers;

(J) creating a personal user profile on a professional networking site appropriate for the claimant's prior training and experience;

(K) participating in work related networking events (e.g., job clubs, job fairs, industry association events, networking groups, etc.);

(L) making contacts or in-person visits to employers that have (or are reasonably expected to have) job openings;

(M) taking a civil service exam; or

(N) going on interviews with employers (virtually or in-person).

(4) The claimant is required to keep records of work search activities, including the dates and types of activities conducted during weeks of eligibility, and provide these to the department upon request.

(5) The claimant is required to apply to, and accept if offered, suitable jobs referred to them by the department

as determined under section 5 of this rule.

(Department of Workforce Development; 646 IAC 5-9-3.1)

SECTION 2. 646 IAC 5-9-3.2 IS ADDED TO READ AS FOLLOWS:

646 IAC 5-9-3.2 Notification to claimants of requirement to be actively seeking work

Authority: IC 22-4-18-1; IC 22-4-14-3; IC 22-4.1-3-3

Affected: IC 22-4; IC 22-4.1

Sec. 3.2. (a) Except for activities that the department will verify under section 3.1(b)(3)(A), 3.1(b)(3)(C), 3.1(b)(3)(F), 3.1(b)(3)(G), and 3.1(b)(3)(I) of this rule, the claimant must keep a detailed record of their weekly work search activities so that the department can verify the activity at any time for an audit or eligibility review. A detailed record includes the following information:

(1) The date of the activity.

(2) The name of the employer, event host, organizer, platform, or other identifying information, such as a job reference number.

(3) Contact information, such as the employer's mailing address, phone number, email address, or website address, and the name of the person contacted if available.

(4) Details of the position for which the claimant applied or activity in which the claimant participated.

(5) Method of contact or participation.

(6) Confirmation of claimant's contact or participation.

(7) Results of the contact or participation.

(b) A contemporaneous document generated by an employer, event host, organizer, platform, or other relevant third party, which includes the date and details of an activity as well as confirmation of the claimant's submission or participation, will be presumed to satisfy the requirements of this section.

(c) The department may allow a claimant to satisfy the requirements of this section through a document other than those described in subsection (a) or (b), but the claimant must demonstrate the reliability and appropriateness of the documentation. *(Department of Workforce Development; 646 IAC 5-9-3.2)*

SECTION 3. 646 IAC 5-9-5 IS AMENDED TO READ AS FOLLOWS:

646 IAC 5-9-5 Suitable work

Authority: IC 22-4-18-1; IC 22-4-14-3; IC 22-4.1-3-3

Affected: IC 22-4-15-2; IC 22-4.1

Sec. 5. (a) For purposes of this section, the department will determine whether work is suitable on a case-by-case basis pursuant to the criteria set forth in IC 22-4-15-2.

(b) In order to maintain benefit eligibility, when the department directs, a claimant must apply for any available position.

(c) Suitable work must be accepted, if the offer is received by an individual at any time after their separation from employment.

(d) Failure to accept suitable work, without good cause, will result in the individual being ineligible for benefits.

(e) For purposes of IC 22-4-15-2(e)(4), the department shall determine the distance of suitable work as reasonable if the distance is less than thirty (30) miles from the claimant's actual or legal residence or their most recent worksite. *(Department of Workforce Development; 646 IAC 5-9-5; filed Apr 26, 2011, 11:23 a.m.: 20110525-IR-646100464FRA; readopted filed Nov 27, 2017, 3:22 p.m.: 20171227-IR-646170447RFA)*

Notice of Public Hearing