

CHAPTER 2 MISSION AND STRUCTURE

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

877—2.1(84A) Mission. The division of workforce development center administration was established by the director as authorized under Iowa Code section 84A.1(3). The mission of the division is to develop and administer employment, placement, and training services in all 99 counties of Iowa.

877—2.2(84A) Overall organization.

2.2(1) *Organization.* The division of workforce development center administration is under the direction of the division administrator and divided into three bureaus: administrative service bureau, service delivery bureau, and the enterprise development, implementation and evaluation bureau.

2.2(2) *Administrative service bureau.* The administrative service bureau is under the direction of a bureau chief who assists the division administrator in planning, directing and coordinating activities for the division. The chief directs the administrative support functions of the bureau. The bureau is responsible for the administration of the following programs: work opportunity tax credit, alien labor certification, child labor, testing, bonding certification, and the migrant seasonal farm worker program, as well as other duties assigned by the division administrator.

2.2(3) *Service delivery bureau.* The service delivery bureau is under the direction of a bureau chief who assists the division administrator in planning, directing and coordinating activities for the division. The chief directs the monitoring and technical assistance functions of the bureau. The bureau is responsible for the administration of the following programs: Iowa conservation corps, Job Training Partnership Act, state labor management cooperation, mentor advisory board, nontraditional employment, workforce investment, quality jobs, PROMISE JOBS, dislocated workers, and rapid response, as well as other duties assigned by the division administrator.

2.2(4) *Enterprise development, implementation, and evaluation bureau.* The enterprise development, implementation and evaluation bureau is under the direction of a bureau chief who assists the division administrator in planning, directing and coordinating activities for the division. The chief directs the administrative support and technical functions of the bureau. The bureau is responsible for the administration of the consolidation of the employment and training services delivered through a competitive regional service delivery model in consultation with the regional advisory board, as well as other duties assigned by the division administrator.

877—2.3(17A,84A) Criticism of agency rule. The division administrator of the Division of Workforce Development Center Administration, Workforce Development Department, 150 Des Moines Street, Des Moines, Iowa 50309, is designated as the office where interested persons may submit by mail criticism regarding an administrative rule of the workforce development board/services division. A criticism of a specific rule must be more than a mere lack of understanding of a rule or a dislike regarding the rule. To constitute a criticism of a rule, the criticism must be in writing, indicate it is a criticism of a specific rule, be signed by the complainant, not be part of any other filing with the department of workforce development, and have a valid or legal basis for support. All requests for criticism received on any rule will be kept in a separate record for a period of five years by the division of workforce development center administration and be a public record open for public inspection. All requests for criticism must be in the following format:

DEPARTMENT OF WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE DEVELOPMENT CENTER ADMINISTRATION

(NAME OF PERSON SUBMITTING
CRITICISM).



CRITICISM OF (SPECIFY RULE THAT IS
UNDER CRITICISM).

Reasons for criticism:

Name, address, telephone number and signature of person submitting the criticism.

The administrative rules committee of the workforce development board will periodically review criticisms received for potential rule changes.

This rule is intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202, and chapter 84A.

'877—2.4(17A,ExecOrd11) Requests for waiver of rules. Requests for waiver of a rule in the Workforce Development Board/Services Division[877] of the Iowa Administrative Code shall be made to the Division Administrator, Division of Workforce Development Center Administration, 150 Des Moines Street, Des Moines, Iowa 50309.

2.4(1) Waivers from division rules shall not be granted unless the following circumstances are met:

a. The department has exclusive rule-making authority to promulgate the rule from which waiver is requested; and

b. No statute or rule otherwise controls the grant of a waiver from the rule from which waiver is requested.

2.4(2) The person that requests waiver of the rule must provide clear and convincing evidence that:

a. Compliance with the rule will create an undue hardship on the person requesting the waiver.

b. Substantially equal protection of health and safety will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

c. The waiver will not harm other persons and will not adversely affect the public interest.

2.4(3) The director shall grant or deny the waiver within 60 days of the date the request is filed with the department after review and recommendation of the division administrator. A denial of a request for a waiver is absolutely final and is not appealable. The director shall deny the request for waiver of a state or federal statute. If the request for waiver relates to a time requirement of a rule, the request must be received before the time specified in the rule has expired. The director may deny the request if the request does not comply with the provisions of this rule.

2.4(4) Waivers are granted at the complete discretion of the director after consideration of all relevant factors including, but not limited to, the following:

a. The need of the person or entity directly affected by the exception. Exceptions will be granted only in cases of extreme need.

b. Whether there are exceptional circumstances justifying an exception to the general rule applicable in otherwise similar circumstances.

c. Whether granting the exception would result in a net savings to the state or promote efficiency in the administration of programs or service delivery. Net savings or efficiency will make an exception more likely.

d. In the case of services, assistance, or grants, whether other possible sources have been exhausted. Exceptions will not generally be granted if other sources are available.

e. The cost of the exception to the state and availability of funds in the department's budget.

2.4(5) All requests for waiver must substantially conform to the following form:

(NAME OF PERSON REQUESTING
WAIVER).



REQUEST FOR WAIVER OF
(SPECIFY RULE FOR WHICH
WAIVER IS REQUESTED).

Reasons for requesting waiver:

Name, address, telephone number and signature of person submitting waiver request.

The specific rule to which an exception is requested or the substance thereof.

The specific waiver requested.

The nature of the waiver requested, including any alternative means or other proposed condition or modification proposed to achieve the purpose of the rule.

2.4(6) The director may condition the grant of a waiver on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question through alternative means.

2.4(7) A waiver is void if the material facts upon which the request is based are not true or if material facts have been withheld. The director may, at any time, cancel a waiver upon appropriate notice if the director finds the facts as stated in the request appear not true, material facts have been withheld, the alternative means of compliance provided in the waiver has failed to achieve the objectives of the statute, or the person requesting the waiver has failed to comply with conditions set forth in the waiver approval.

2.4(8) All grants of waivers shall be indexed and available to members of the public in the Division of Workforce Development Center Administration, 150 Des Moines Street, Des Moines, Iowa 50309. In addition, the director shall notify the workforce development board of any ruling to grant a waiver at its next regularly scheduled meeting following the ruling.

This rule is intended to implement Iowa Code chapter 17A and Executive Order Number Eleven.

¹ Effective date of March 15, 2000, delayed 70 days by the Administrative Rules Review Committee at its meeting held March 10, 2000.

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202, Iowa Code section 84A.1 and Iowa Code chapter 96.

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¹ Effective date of 2.4 delayed 70 days by the Administrative Rules Review Committee at its meeting held March 10, 2000.