

Request for Hold Harmless in Failure to Meet the Training Expenditure Level

Local Workforce Innovation Boards (LWIBs) shall develop necessary planning and funding strategies that will support their ability to direct the utilization of Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker funds in the most beneficial way in serving customers of the local system. Consideration should be made to ensure expenditure levels are in alignment with [WIOA Policy 8.4 Training Expenditure Requirement](#). Loss of eligibility for incentive bonus awards and potential placement on “high-risk” status may occur as a result of failure to meet the applicable minimum level in each program year.

An LWIB who is unable to meet the minimum level in a program year may request that the Illinois Workforce Innovation Board (IWIB) consider applying the Hold Harmless Clause as outlined within the policy to either the incentive bonus award or sanction of “High Risk” status. Such requests must be made to the IWIB following the procedures outlined in the Request for Hold Harmless in Failure to Meet the Training Expenditure Level. Consideration for such requests will be based on the unplanned conditions or circumstances that may have led to the inability to meet the minimum level. Recognition may be for catastrophic Federal, State, Regional or Local events that compromised the LWIB’s plans and funding decisions, changes in funding allocations and/or guidance in the utilization of such allocations, or other unforeseen events that may have contributed to the failure.

Notification of Status of an LWIB’s Failure to Meet the Minimum Training Level and Request for Technical Assistance

1. The Office of Planning and Budget Manager, Office of Employment and Training (OET), Illinois Department of Commerce and Economic Opportunity will notify each LWIB of their status in meeting the minimum training expenditure level on a quarterly basis.
 - a. In instances where the LWIB has identified that they may not be able to meet the minimum expenditure level, or when the OET identifies a concern with the ability of the LWIB to meet the appropriate level, technical assistance will be made available to assist in developing new or revising current planning and funding strategies that will better position the LWIB’s ability to meet the minimum expenditure level.
 - b. An LWIB seeking technical assistance should notify the individual listed in the contacts tab to make a formal request and develop an appropriate plan.
 - c. The OET will contact the LWIB Chair in instances where they have identified a concern to inform them of their reasoning and recommendation for technical assistance.
2. The OET will issue the final Program Year Minimum Training Expenditure Level through a WIOA Notice for all LWIBs within 30 days of completion of the Program Year.
 - a. The OET will provide formal written notification via letter to each LWIB prior to issuance of the WIOA Notice in instances where such LWIB has failed to meet the minimum training level.
 - b. Such notification will indicate:
 - i. the Annual Training Program Expenditure Percentage;
 - ii. the values contained within the equation; and
 - iii. a copy of the process for requesting application of the Hold Harmless Clause.

Procedures for Requesting Hold Harmless Clause

1. A formal request shall be made by an LWIB in the form of a letter to the Illinois Workforce Innovation Board to request application of the Hold Harmless Clause.
2. The request must be submitted in writing, and must be sent by certified mail no later than the 21st day from the date of receipt of the notice by the OET of placement on “High-Risk” status as a result of failure to meet the minimum expenditure level. If sending via certified mail is not reasonable or possible, it may be sent by e-mail or regular U.S. Mail.
3. The letter shall contain the following information, at a minimum:
 - a. Name of Local Workforce Innovation Board making the request;
 - b. Local Workforce Innovation Area for which the LWIB oversees;
 - c. Name of Local Workforce Innovation Board Chair;
 - d. Contact information of the LWIB Chair, including mailing address, email address and telephone number;
 - e. Formal indication that a request for application of the Hold Harmless Clause is being made;
 - f. Detailed explanation of the conditions or circumstances which contributed to failure to meet the minimum training level;
 - g. Indication of technical assistance needs the LWIB might seek to assist them in meeting future program year measures;
 - h. Provision of sufficient evidence that the original or modified service delivery model or plans and funding strategies would have led to the LWIB’s ability to meet the minimum level and describe how the unplanned or unforeseen factors contributed to its failure;
 - i. LWIB contact and contact information to request additional information, if necessary; and
 - j. Signature of the LWIB Chair and LWIB Contact, if applicable.
4. Letters requesting application of the Hold Harmless Clause shall be sent to the staff listed in the Contacts tab in [WIOA Policy 8.4](#), or mail to:

Illinois Department of Commerce and Economic Opportunity
Office of Employment and Training
Minimum Expenditure Level – Hold Harmless Request
500 East Monroe Street – 9th Floor
Springfield, Illinois 62701
5. LWIBs will be notified within seven (7) days of receipt of the formal request by the IWIB via email or telephone call to the LWIB Chair, or the secondary contact in instances where such individual is identified.
6. The IWIB, or a committee designated by the IWIB, will review the request and provide a final determination on the application of the Hold Harmless Clause within twenty-one (21) days of receipt of the formal request.

Appeals Process for Minimum Training Expenditure Level Hold Harmless Clause

1. If an LWIB is denied application of the Hold Harmless Clause, it may appeal the decision.
2. The LWIB must submit its appeal within twenty-one (21) days. The appeal must include the following information:
 - a. A statement that the LWIB is appealing the denial of Hold Harmless Clause;
 - b. The reason(s) Hold Harmless should be applied;
 - c. LWIB contact information for additional information; and
 - d. Signature of the LWIB Chair and LWIB contact, if applicable.
3. The appeal must be submitted formally in writing and must be sent by certified mail no later than the 21st day from the date of receipt of the notice of denial. If sending via certified mail is not reasonable or possible, it may be sent by e-mail or regular U.S. Mail.
4. The appeal must be submitted to:

Illinois Department of Commerce and Economic Opportunity
Office of Employment and Training
Minimum Expenditure Level – Hold Harmless Denial Appeal
500 East Monroe Street – 9th Floor
Springfield, Illinois 62701
5. LWIB Executive Committee will review the request and will notify the LWIB, in writing, within forty-five (days) of receipt of its decision related to the appeal.

Procedures for Requesting Waiver of “High-Risk” Status

1. A formal request shall be made by an LWIB in the form of a letter to the Illinois Workforce Innovation Board to request a waiver on the sanction of “High-Risk” status for failure to meet the minimum expenditure level.
2. The request must be submitted in writing, and must be sent by certified mail no later than the 21st day from the date of receipt of the notice by the OET of placement on “High-Risk” status as a result of failure to meet the minimum expenditure level. If sending via certified mail is not reasonable or possible, it may be sent by e-mail or regular U.S. Mail.
3. The letter shall contain the following information, at a minimum:
 - a. Name of Local Workforce Innovation Board making the request;
 - b. Local Workforce Innovation Area for which the LWIB oversees;
 - c. Name of Local Workforce Innovation Board Chair;
 - d. Contact information of the LWIB Chair, including mailing address, email address and telephone number;
 - e. Formal indication that a request for waiver of the sanction of “High-Risk” status is being made;
 - f. Detailed explanation of the conditions or circumstances which contributed to failure to meet the minimum training level;
 - g. Detailed explanation as to why the LWIB would object to being placed on “High Risk” status;
 - h. Indication of technical assistance needs the LWIB might seek to assist them in meeting future program year measures;
 - i. Provision of sufficient evidence that the original or modified service delivery model or plans and funding strategies would have led to the LWIB’s ability to meet the minimum level and describe how the unplanned or unforeseen factors contributed to its failure;

- j. LWIB contact and contact information to request additional information, if necessary;
and
 - k. Signature of the LWIB Chair and LWIB Contact, if applicable.
4. LWIBs may submit requests for consideration of the Hold Harmless Clause, as outlined above, and waiver of High-Risk status within the same letter and submission.
 5. Letters requesting the LWIB not be placed on “High-Risk” status for failure to meet the minimum training level shall be sent to the staff listed in the Contacts tab in [WIOA Policy 8.4](#), or mail to:
 - Illinois Department of Commerce and Economic Opportunity
 - Office of Employment and Training
 - Minimum Expenditure Level – High Risk Status
 - 500 East Monroe Street – 9th Floor
 - Springfield, Illinois 62701
 6. LWIBs will be notified within seven (7) days of receipt of the formal request by the IWIB via email or telephone call to the LWIB Chair, or the secondary contact in instances where such individual is identified.
 7. The Office of Planning and Budget Manager, Office of Employment and Training, Illinois Department of Commerce and Economic Opportunity will review the request and provide a final determination on the “High-Risk” Status within forty-five (45) days of receipt of the formal request.