

## ICJC Response to IPA's Request for Feedback-Minimum Equity Standard Waiver Request

Date: 2/22/2023

To: Illinois Power Agency, IPA.Solar@illinois.gov

From: Members of the Illinois Clean Jobs Coalition's Jobs & Economic Justice and Renewable Energy committees

Re: ICJC Working Groups - Stakeholder Feedback on MES Waiver

The below-listed Joint Commenters, including many members of the Illinois Clean Jobs Coalition's (ICJC) Jobs and Economic Justice and Renewable Energy Committees, thank DCEO for the opportunity to provide input on Minimum Equity Standard Waiver Request. The Illinois Clean Jobs Coalition (ICJC) is made up of hundreds of environmental advocacy organizations, businesses, community leaders, consumer advocates, environmental justice groups, and faith-based and student organizations working together to improve public health and the environment, protect consumers, and create equitable, clean jobs across the state.

The Joint Commenters include:

A Just Harvest  
Central Illinois Healthy Community Alliance  
Central Road Energy  
Illinois People's Action  
Prairie Rivers Network  
United Congregations of Metro East  
Vote Solar

### Questions Regarding Timing of Waiver Requests

*The Agency seeks feedback on whether there should be specific time periods during which AVs and Designees may request a waiver, or whether the Agency should accept waiver requests on a rolling basis.*

We do not have specific insights on these questions. We believe the answers will vary widely based on the contractor. We encourage IPA to consider the needs of:

- small and large contractors
- union and non-union contractors
- contractors who work with employee crews and those who work with contracted labor from union halls or other firms
- contractors in areas with a good supply of workers as well as contractors in areas where filling solar jobs is more difficult

## Questions Regarding Project vs. Portfolio Basis for Waivers

We find IPA's balance between project-level and portfolio-level reporting very reasonable and agree with the proposal: "that on an annual basis within the Adjustable Block Program, AVs and Designees developing Distributed Generation projects may seek portfolio-wide waivers, while entities developing Community Solar projects within the ABP and utility-scale projects selected through the Agency's competitive REC procurements must submit waiver requests on an annual basis that are project-specific."

## Questions Regarding Scoring of Waiver

In general, we feel the IPA's proposed waiver scorecard should reasonably ensure that significant due diligence has been expended to meet minimum equity eligible workforce requirements. While we believe there may be rare circumstances, especially in the early years before the full workforce ecosystem is up and running, when a waiver is warranted, at this time, we would also like to see the IPA view the waiver application as a "request for assistance" of sorts. Rather than an endpoint, the filing of an application could trigger an assistance response from the IPA and its program managers who should be prepared to take on the temporary role of sourcing agents and help companies to develop a game plan and to connect with organizations with ties to equity eligible workers.

*1. The Agency seeks feedback on how to score each element and what the thresholds for certain scores should be.*

ICJC feels the points allocated to outreach with community colleges, unions and community-based organizations are too granular. These are all good strategies but may not be possible in all parts of the state. Although many community colleges have green energy programs, many will not be training to the level required to enter the solar workforce. Similarly, in many parts of the state it is not a worthwhile use of time for non-union shops to conduct outreach via union halls. Finally, community-based organization coverage becomes patchy as you move further south in the state. IPA must be willing to dig into this scoring to ensure that creative and thorough outreach is rewarded with a maximum score, even if it does not tick all three suggested boxes.

We propose one additional category to award points when companies applying for a waiver have, in fact, made reasonable job offers to equity eligible individuals, and those offers have not been accepted. This will ensure that companies operating in tight labor markets are not disadvantaged.

*2. The Agency is interested in feedback on the minimum point threshold in order to grant a waiver request.*

Using the suggestions outlined in the previous question, ICJC proposes the following scoring matrix:

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	IPA Points	ICJC Proposal
Working with hubs and incubators	4	6
Maintaining a file of resumes	2	2
Doing community job fairs	5	5
Direct outreach via EEP portal	4	4
Advertising on the EEP portal	6	3
COMBINE: Outreach with unions, community colleges, community organizations	6 (2 pts each)	6
Use of social media, job boards, etc.	4	2
Use of state-sponsored platforms	4	2
NEW: Job offers made, not accepted		5
Total Points Possible	35	35

ICJC believes that the threshold for waiver must be high enough to push companies into a very active stance for recruiting equity eligible workers. In ICJC’s scoring, passive activities (e.g., advertising, use of social media, use of state sponsored platforms) are reduced from 14 to 7 points. We then reallocate those points to the “Working with hubs and incubators” category, and the new job offers category. This makes it clear that meeting “significant due diligence” requirements is grounded in active rather than passive recruiting, while also accommodating potentially tight labor markets.

If the threshold for a waiver is set to 25 under the ICJC scoring proposal, a company that scored all 7 points for passive activities would still need to receive the full points in at least two or three of the other active candidate-seeking categories in order to obtain a waiver. We believe this strikes a reasonable balance.

Under the IPA scoring, a company not subject to penalties that is scored with full points for all the passive activities (14 points) could score mid-range on all the other criteria and hit a score of 25.

We recognize that setting the points required for a waiver too low risks impairing Illinois’ ability to build a diverse workforce, while setting the points too high may make solar development difficult in some parts of the state. With any scoring threshold, ICJC again emphasizes that the scoring exercise should be viewed as the entry into a process that will ultimately “pull out all the stops” to

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connect vendors with equity eligible persons and contractors, and meet or even exceed the Minimum Equity Standards.

*3. Are there any scoring criteria that if not demonstrated by the entity requesting the waiver should disqualify that entity from being granted a waiver?*

First and foremost, the scorecard should primarily act as the entry point to a remedial process. ICJC believes automatic disqualification should only happen for repeated failures to find workers when similarly located companies are able to do so.

Second, we encourage the IPA to carefully consider how the waiver process intersects with prior penalties and consequences for falling short of Minimum Equity Standards and failing to obtain a waiver. It is critical that the two processes work together to prevent bad actors from gaming the system and help contractors meet and even exceed equity goals.

*4. For the subtraction of points where similarly situated Approved Vendors achieve different results in regards to the number of EEPs they are able to hire, what should the Agency consider as "similarly situated" (geographic location, company size, resources available to entity)?*

ICJC believes IPA has identified the correct factors to make a fair similarly situated designation.

*5. The Agency appreciates any other feedback regarding the proposed scores within.*

In ICJC discussions of the waiver, the issue of tracking equity eligible individuals came up several times. ICJC encourages IPA to take an expansive view of how long an individual who qualifies based on EJ/R3 area residency retains that status. Because the truest measure of this program's success is its ability to help individuals transition to stable careers, it must generously accommodate this upward mobility, and we ask that individuals retain their equity-eligible status for a full 3 years after moving from an EJ/R3 area.

### **Clarification Related to Counting EEPs and EECs toward MES**

ICJC supports the IPA's interpretation of the Minimum Equity Standards. These standards were designed to incentivize inclusive hiring and employment practices. The compliance calculation should solely focus on whether the project workforce is sufficiently inclusive of Equity Eligible Persons, regardless of the employer's status.

Thank you for your consideration,  
The Joint Commenters of the Illinois Clean Jobs Coalition's Jobs and Economic Justice and Renewable Energy committees

Please contact Tracy Fox, Central Illinois Healthy Community Alliance, [REDACTED], [REDACTED], with any follow up or questions.