Illinois Shines Safe Harbor Approach

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In the 2026-27 Program Year, the MES requires that at least 14% of the project workforce for each Approved Vendor and Designee participating in the Illinois Shines program must be comprised of Equity Eligible Persons. The MES applies to all Approved Vendors and Designees participating in the Illinois Shines program.

The MES is a legal requirement designed to provide businesses and workers from historically excluded communities access to the clean energy economy.

As the MES increases in future Program Years (incrementally to 30% by 2030), participating entities must increase their efforts to attract, recruit and retain EEPs and EECs into the clean energy workforce. For example, the MES compliance rate will increase to 18% in Program Year 2027-28 at which time any entity with six or more employees must have at least one EEP employed within its workforce to be considered compliant.

However, the IPA has clarified how the MES applies to a business with a total Illinois-based project workforce that is small enough such that the percentage calculation results in less than one person.

The information below is intended to provide the IPA's guidance on Minimum Equity Standard compliance for these small businesses.

Application of the MES to Businesses with Low Workforce Totals

The following table shows the workforce sizes at which hiring an EEP is required to comply with the MES.

Program Year	Proposed MES Percentage	Size of workforce at which the Small Business must employ at least one EEP to comply with the MES
PY 25-26	14%	8 or more employees
PY 26-27	14%	8 or more employees
PY 27-28	18%	6 or more employees
PY 28-29	22%	5 or more employees
PY 29-30	26%	4 or more employees
PY 30-31	30%	4 or more employees

The above schedule of increases in required percentages of MES compliance leading to the 30% by 2030 requirement was proposed by the Agency and approved by the ICC in 2026. The Agency may propose changes to this schedule based on market trends in the future, which would be subject to approval by the ICC.

Safe Harbor Approach Eligibility

In lieu of being required to hire an Equity Eligible Person in order to meet the MES, companies that meet the following criteria are eligible for the Safe Harbor Approach. Eligible entities also have to demonstrate a good faith effort to comply with the MES.

This approach applies to entities that:

- Have fewer than 8 employees, and
- Hired new staff during the 2026-27 Program Year, and
- Did not hire an Equity Eligible Person (EEP) and do not otherwise meet the Minimum Equity Standard (MES) by having an EEP on staff.

Safe Harbor Requirements

To demonstrate a good faith effort to comply with the Minimum Equity Standard, qualifying entities must complete at least one activity in three of the five categories from the list below. Failure to perform at least one activity in three of the five categories during the relevant Program Year will result in a finding of non-compliance with the Minimum Equity Standard. These activities are designed to ensure meaningful efforts are made to recruit and hire EEPs or engage Equity Eligible Contractors (EECs).

1. Utilize in the Energy Workforce Equity Portal

- Register your organization as an employer on the Energy Workforce Equity Portal and, for any hiring done during the Program Year, post job opportunities to the Equity Portal.
- Conduct direct correspondence with EEPs who are seeking work in the sector, raising awareness of job opportunities within your organization.
- Conduct direct outreach to EECs listed on the Equity Portal to explore meaningful partnerships and subcontracting opportunities.

2. Engage in Local and Community-Based Recruitment Efforts

- Participate in at least one job fair (virtual or in-person) that is specifically focused on or located in an Equity Investment Eligible Community (EIEC).
- Conduct outreach to community-based organizations or community colleges to advertise job opportunities and recruit EEPs.

3. Conduct Outreach to Specific Equity-Focused Groups

- Collaborate with EEP-qualifying workforce development programs, such as those supporting formerly incarcerated individuals or foster care graduates, to identify and recruit eligible candidates.
- Advertise employment opportunities with community-based organizations or economic development organizations working with individuals residing in EIEC areas.

4. Post Job Opportunities on State-Sponsored Platforms

- Publicize employment opportunities on platforms such as Illinois Job Link or Illinois WorkNet to reach a broader audience of potential candidates.

5. Collaborate with the Program Administrator

- Meet with the Illinois Shines Program Administrator to review your hiring plans and receive feedback on recruitment strategies aimed at engaging EEPs or EECs effectively.
- Attend a webinar conducted by the Illinois Shines Program Administrator on MES-related topics.

Compliance Documentation

Entities are required to maintain records of their recruitment and outreach efforts. That documentation includes items such as:

- Copies of outreach communications with EEPs or EECs.
- Copies of job postings on state-sponsored platforms.
- Evidence of participation in job fairs or community events.
- Communication logs or collaboration agreements with workforce development programs, community-based organizations, unions, etc.

This documentation must be provided as part of the entity's MES Combined Compliance and Year-End Report. Failure to perform at least one activity in three of the five categories during the relevant Program Year will result in a finding of non-compliance with the Minimum Equity Standard. Absent a waiver or demonstration or compliance through having an EEP on staff, that finding of non-compliance shall result in suspension from the Illinois Shines program. Entities are encouraged to proactively seek guidance from the Program Administrator to ensure they meet these expectations.