

TOPIC 2: Certifying Equity Eligible Persons

Background

The IPA Act defines an “equity eligible person” as “persons who would most benefit from equitable investments by the State designed to combat discrimination,” and lists four specific criteria that meet that standard. However, the IPA has faced challenges in applying this definition and ensuring that those qualifying as EEPs under those criteria are also “persons who would most benefit from equitable investments by the State designed to combat discrimination.” The IPA seeks feedback on that challenge and on balancing the need to prevent gaming with increasing participation.

Questions

1. IPA currently only requires supporting documentation to verify two of the bases for qualifying as an Equity Eligible Person: primary residence in an equity investment eligible community and former or current participant in a listed workforce training program. Should the Agency also require documentation to support certification for the other two criteria: formerly incarcerated and former participant in the foster care system? If so, what documentation should the Agency accept? If the agency does move forward with requiring documentation for the other two criteria, then they should also be willing to compile and gather that documentation from employees without participation from the Approved Vendor. Gathering these documents from employees places a difficult task on employers that can be considered invasive, burdensome, and at times against that company’s policy.

2. Individuals that qualify as EEPs based on a “primary residence in an Equity Investment Eligible Community” (EIEC) may move residences over time.

a. How could the Agency track any changes in residence?

If the Agency were to move EEP certification to strictly being done via the Portal, they could institute regulations that a previously certified EEP must update/confirm their submitted information on a yearly basis (or another set timeline). The Agency can then request documentation from that person, to confirm the submitted information.

b. What would be the advantages or disadvantages to allowing a “grace period” so that an individual that qualified as an EEP based on primary residence in an EIEC but subsequently moved remains EEP-certified for a certain amount of time?

A “grace period” would allow Approved Vendors ample time to reassess and address current quotas if the AV was not informed of an employee relocating, which can happen quite often. AV’s may not have much control over when an employee alerts them of relocation, so they should be allowed an ample

amount of time to ensure they can address those changes.

3. Relatedly, stakeholders have expressed concern that the “primary residence” criterion is too broad, given the rapid change in demographics in many EIECs. To prevent gaming or benefits flowing to those that do not actually face barriers to entering the solar market, one stakeholder proposed learning from the Social Equity Applicant model in the cannabis sector. To qualify as an SEA, an entity had to demonstrate that a majority of its owners had lived in a qualifying community for at least 5 of the last 10 years (though it did not need to be the same address or community for all 5 years).

a. What could be the benefits or risks of such an approach?

This could be considered counter-productive when thinking about the actual persons that these categories include. Employees who fall under the categories of Equity Eligibility may not always be in a position to have stable and constant housing, nor can they often choose where that housing may be. 5 years can be a long time considering that lack of stability for someone who may not have the same opportunities or advantages that someone outside of these categories may have.

b. What would be a reasonable threshold or minimum number of years?

Considering that these quotas are met and reported on a yearly basis, it would only seem reasonable that the threshold should also mirror that 1-year timeline. If we are reporting our Minimum Equity Standards at the end of a year, that year should be the timeline considered for the employees living situation.

4. The map of EIECs is a combination of the Illinois Solar for All (SFA) Environmental Justice Communities and the R3 Communities. The IPA has recently updated the SFA Environmental Justice map based on 2020 census data and other updated sources of data. The Agency will accept EEP certification requests based on the previous map for the 2023-2024 Program Year.

a. Is one year of accepting both maps sufficient?

b. How should this transition work for utility-scale projects with longer timelines?

5. Individuals may use the Energy Workforce Equity Portal to receive certification as an Equity Eligible Person without disclosing sensitive information to their employer or to potential employers. To verify the EEP status of the minimum number of individuals in their project

workforce to satisfy the MES, entities will submit a Year-End Report that includes either the certification from the Portal or an EEP application for each individual EEP.

a. What would be the advantages or disadvantages of moving all EEP certification to the Energy Workforce Equity Portal?

Having EEPs certify via the portal is preferable for the AV. It can be difficult for AV's to navigate through collecting the sensitive information that is required to certify someone as Equity Eligible, and we do not want to cross lines or cause discomfort for our employees by needing to fulfill this requirement.

It would also be advantageous for the employee, as they would not have to consistently be put through the invasive process of proving their eligibility to every employer if they were to change jobs and move to a different participating company.

The only disadvantages that we can see would be that the AV's will have more reliance on the ability of the Administrators to certify and provide this information in good time. As long as there is understanding on the Program's part that delays could be caused by the Portal (and not at fault of the AV) then we find this solution agreeable.