

# Responses to Comments on Job Training Requirements

A framework for job training was presented by the Illinois Power Agency (“Agency”) through its Program Administrator, Elevate Energy, on February 1, 2019, with a request for comments due on February 8, 2019. Comments have been received and posted to the Illinois Solar for All (“ILSFA”) Program website ([www.illinoissfa.com](http://www.illinoissfa.com)).

The following represents a summary of the public comments and how those comments have been incorporated into the final framework for job training. The content summarized here represents comments captured during the stakeholder feedback session facilitated on February 1, 2019, as well as individual comments submitted to the Program Administrator during the comment period.

Comments have been summarized and categorized into the following topics:

1. Eligible Trainees and Programs
2. Data Collection Requirements
3. Validation and Remediation
4. Trainee and Approved Vendor Connections

## 1. Eligible Trainees and Programs

### 1.1 Are the 24- and 36-month time limitations appropriate for graduates to remain qualified?

The Illinois Solar for All Working Group agrees that 24 months for Other Qualifying Programs and 36 months for FEJA Workforce Development Programs<sup>1</sup> are appropriate limitations for graduates to remain qualified if those graduates have completed their training after the beginning of Illinois Solar for All in April 2019. The Working Group

---

<sup>1</sup> The term “FEJA Workforce Development Programs” or “FEJA programs” for purposes of this document and ILSFA policies generally refers to those solar job training programs funded under Section 16-108.12 of the Public Utilities Act and the Illinois Commerce Commission’s (“ICC”) Order dated September 27, 2017 in Docket No. 17-0332.

strongly recommends that exceptions be made to the 24-month and 36-month time windows policy.

The Illinois Solar for All Working Group raises a concern regarding balancing and maintaining workforce opportunities in that there may be situations where installers may elect to send current employees into training programs for the purposes of qualification, but strongly emphasizes that the programs are intended to create a comprehensive pipeline for new trainees from the demographic groups that the program and connected FEJA Workforce Development programs are intended to serve.

### **RECOMMENDATION :**

Trainees will remain qualified within 24 months after program completion for Other Qualifying Programs and 36 months for FEJA Workforce Development Programs if those graduates have completed their training after the beginning of Illinois Solar for All in April 2019.

For FEJA Workforce Development Programs that graduated trainees in 2018 or early 2019 prior to the start of Illinois Solar for All, such trainees will be eligible for 36 months beginning at the program start time instead of beginning at their graduation date. The Agency and Program Administrator will monitor, to the best of their ability, the impacts of time limitation windows across hiring patterns by Approved Vendors of different sizes and industry sectors.

As the Solar for All Working Group notes, the FEJA Workforce Development Programs are intended for the demographic groups that FEJA was designed to serve. In particular, the enrollment eligibility requirements in the FEJA programs will generally deprioritize existing employees of solar companies and prioritize the training of individuals new to the industry. Although it is beyond the scope of the Program Administrator to restrict participation in either the FEJA Workforce Development Programs or the Other Qualifying Programs, by giving an additional 12 months of qualification time to FEJA Workforce Development Program graduates the goal is to prioritize and increase the likelihood of their hiring.

The 24-month and 36-month time limits will allow trainees flexibility to participate as opportunities begin to grow in their region as well as allow sufficient eligible time as some regions may see ILSFA installation contracts develop more slowly than others.

## **1.2 Is the rationale for a longer qualifying period for FEJA graduates appropriate?**

The Illinois Solar for All Working Group agrees that a longer qualifying period for FEJA program graduates (compared to that for Other Qualifying Programs) is appropriate.

Graduates from the subset of FEJA programs where trainees are recruited who are low-income, residents of environmental justice communities, formerly incarcerated, and alumni of the foster care system encounter higher barriers to securing employment.

The Illinois Solar for All Working Group recommends the Administrator also seek to avoid creating a situation where shorter windows incentivize companies to hire trainees for the purposes of qualification, then let them go prematurely due to “aging” out of trainee status in order to hire new trainees for the same work.

**RECOMMENDATION :**

A longer qualifying period for FEJA training program graduates, as discussed in 1.2 above (36 months for FEJA program graduates vs. 24 months for Other Qualifying Program graduates) will be retained.

### **1.3 Is the requirement that an Other Qualifying Program account for 50% or more of required training hours towards certification appropriate?**

The Illinois Solar for All Working Group strongly disagrees that Other Qualifying Programs accounting for 50% or more of hours is appropriate and further recommends that the Administrator create a process by which Other Qualifying Programs can submit themselves for participation, but are only accepted if they demonstrate training is focused on and being delivered to trainees who meet the demographic goals of the program as outlined. If the Administrator moves to include Other Qualifying Programs to any degree without first clearing this demographic requirement, the Working Group recommends that Approved Vendors hiring trainees for the purposes of the program requirements provide thorough documentation that they first attempted to hire someone from the FEJA Workforce Development Programs.

**RECOMMENDATION :**

Although it is recognized that the spirit of the legislation specific to workforce development places an emphasis on key demographic segments for some programs, the language specific to ILSFA job training requirements states that all graduates from FEJA-funded job training programs or programs that lead to Qualified Person status under the ICC Part 461 rule will qualify regardless of demographic segment. Additional demographic requirements, therefore, cannot be added as a prerequisite to qualification for these requirements.

However, the Program Administrator will provide resources and tools to the public that will allow easy access to all statewide FEJA-funded job training programs to facilitate the

hiring process and make connections to hiring entities and qualified program graduates. It is believed that these programs are more likely to meet the spirit of this emphasis on key demographic segments. In addition to these resources, the Program Administrator's ILSFA Approved Vendor management and ILSFA job training teams will coordinate training and one-on-one support of Approved Vendors on a variety of issues, specifically in directing them to resources that will facilitate the hiring of these FEJA-funded, qualified program graduates.

### **RECOMMENDATION :**

It is important to clarify the requirement of 50% of program hours for trainees qualifying using Other Qualifying Programs. The proposed rule is intended to ensure that any qualified trainee using the Other Qualifying Program pathway must demonstrate that the trainee has completed at least 50% of the individual classroom training requirements to meet one of the certifications that gives rise to Part 461 Qualified Person status specifically from the Other Qualifying Program being presented for approval. The 50% requirement does not represent a requirement that overall program or sub-program job training hours come from any specific certification pathway.

The specific proposed definition for an Other Qualifying (job training) Program is detailed below. The Agency and Program Administrator will monitor progress and barriers to meeting these requirements and the overall balance of qualified trainees across FEJA or Other Qualifying Programs, gathering data to support recommended changes to the Plan.

[ICC Rule 461.10](#) provides training categories that lead to "Qualified Person" status in Illinois. These categories help to define Other Qualifying Programs for ILSFA. An Other Qualifying Program for ILSFA is an Illinois-based program that fits one of the following categories:

- An apprenticeship as a journeyman electrician from a USDOL-registered or an applicable state-agency-registered electrical apprenticeship and training program
- An electrical training program for in-house employees established and administered by an electric utility regulated by the Commission
- An Associate in Applied Science degree from an Illinois Community College Board-approved community college program in solar generation technology
- A program that provides the training and/or experience that allows a trainee to complete 50% of the qualifications they need, as outlined by NABCEP, to qualify for a certification examination in one of their Distributed Generation Technology Certification Programs specific to photovoltaics

To qualify as a job trainee for an ILSFA project, a trainee will have completed 50% or more of the classroom requirements for one of the certifications above through an

Illinois-based Other Qualifying Program as defined above or have graduated from a FEJA-funded training program. Approved Vendors will be required to provide proof of enrollment and program credit progress for the trainee on an individual basis. For journeyman apprenticeship, in-house utility, or associate degree programs, required documentation will include proof of enrollment and curriculum for the program. For NABCEP qualified programs, documentation will include proof of enrollment and curriculum for each classroom module, excluding OSHA 10.

Additionally, Approved Vendors will be required to demonstrate that a “good faith effort” was made to hire first from the FEJA-funded training programs. FEJA-funded program participants take priority as job training participants on ILSFA projects. If a good faith effort is made and is not successful, the Approved Vendor can then make a good faith effort to hire from an Other Qualifying Program. The Program Administrator will define “good faith effort” – as discussed further in the response to 3.4 below – and provide guidance and tools as a part of the Approved Vendor manual and through the website to assist Approved Vendors in documenting and making a good faith effort.

## **1.4 Proposed that a trainee does not have to have achieved certification with an Other Qualifying program.**

The Illinois Solar for All Working Group agrees that trainee(s) should not be required to have achieved certification with an Other Qualifying Program, as long as there is documentation of completion of the Other Qualifying Program, on the assumption that not every one of these programs have certification embedded.

### **RECOMMENDATION :**

As a reminder and as discussed in the response to 1.3, Approved Vendors will be required to first provide thorough documentation that they made a good faith effort to first hire someone from the FEJA Workforce Development Programs before hiring a trainee from an Other Qualifying Program. Efforts to do both should be made and documented before attempting to submit a waiver for the job training requirement of an ILSFA installation or sending one of their existing employees to a training program. That trainee does not have to have achieved certification with an Other Qualifying Program.

## **1.5 Is it appropriate that Other Qualifying Programs must be in Illinois?**

### **RECOMMENDATION :**

An Other Qualifying Program must be in Illinois.

## 1.6 Should Other Qualifying Program data be submitted prior to or after project completion?

### RECOMMENDATION :

Other Qualifying Program data must be submitted prior to project completion.

## 1.7 Are NABCEP installation task categories appropriate for tracking trainee work on ILSFA projects?

Comments support using NABCEP job tasks for tracking skills on the job. However, because the categories are broad, additional clarity is recommended to provide guidance on how more granular, specific job tasks will be recorded.

### RECOMMENDATION :

Additional granularity for NABCEP job task categories can be provided as indicated below, combining other NABCEP category tasks. An additional category of “Other” will be included to capture additional job tasks that may be relevant to qualified graduates based on program curriculum or those likely associated with ILSFA solar projects and not captured in the broader NABCEP categories.

#### System Design

- Site Assessment
- Shading Analysis
- Electrical Design
- Mechanical Design
- Engineering
- Procurement

#### Installation

- Install Electrical
- Roofing
- Structural
- Racking
- Modules
- Carpentry
- Fencing
- Health and Safety
- Battery
- Monitoring Controls
- Foundation

#### System Commissioning

- Interconnection
- Visual and Mechanical Inspection
- Component Testing
- Electrical Testing
- System Monitoring
- User Training
- Utility Commissioning

#### Operations and Maintenance

- Preventative Maintenance
- Corrective Maintenance
- System Monitoring

#### Other

- Sales
- Customer Service
- Subscriber Management
- Financial Modeling

- Component Testing
- Component Replacement
- Permitting
- Zoning

## 1.8 What types of training, onsite or offsite, will allow Approved Vendors to meet the job training requirements?

### RECOMMENDATION :

All hours tracked for job training requirements will represent the sum of hours performed by Approved Vendor staff as well as all subcontractors involved in the development of the specific ILSFA project being approved as defined by the five categories of job tasks (as listed in the response to 1.7 above). Hours associated with siting, marketing, site acquisition, and other pre-development tasks may not be associated with specific projects and, to the extent not project-specific, will not be included in these calculations. The types of tasks that are counted in the numerator should also be counted in the denominator.

To calculate the percentages, with “X” as the numerator and “Y” as the denominator:

X will equal the total eligible trainee hours spent working on the Approved Vendor’s ILSFA project within the five defined categories. These hours could be onsite or offsite. All hours recorded need to directly contribute to the development of the specific ILSFA project being approved.

Y will represent total employee hours contributing to the development of the specific ILSFA project being approved using the same five defined categories.

The calculation of X/Y will provide the percentage for each ILSFA project install.

## 1.9 When does the clock start for Approved Vendors regarding the 10%, 20%, or 33% requirement for job training hours? When are job training requirements triggered for smaller versus larger projects?

### RECOMMENDATION :

For vendors that become Approved Vendors after ILSFA has officially launched, the clock measuring the year of participation starts upon approval as an Approved Vendor. For vendors who become Approved Vendors before ILSFA has officially launched, their clock



will start at program launch when project applications will first be accepted. All projects completed in an Approved Vendor's performance year<sup>2</sup> will be counted towards the goal for that performance year. If project development occurs over multiple performance years, the hours are counted in the performance year when the project becomes completed (Part II approval). An Approved Vendor's portfolio of projects completed in the first year of its participation will need to meet the 10% portfolio requirement. An Approved Vendor's portfolio of projects completed in the second year of participation will need to meet the 20% portfolio requirement; and an Approved Vendor's portfolio of projects completed in the third year of participation will need to meet the 33% portfolio requirement.

Requirements that 33% of all Low-Income Distributed Generation projects annually include at least one qualified trainee will be based on the installations scheduled during that annual period established by the Approved Vendor approval date or launch of the ILSFA program.

## 1.10 How do job training requirements apply to Single Project Approved Vendors?

### **RECOMMENDATION :**

Single Project Approved Vendors will need to meet the baseline requirement that 10% of the hours worked on the project will be performed by qualified job trainees, including distributed generation projects.

## 1.11 How many trainees are needed?

The Illinois Solar for All Working Group notes that a single trainee requirement has very different implications for small versus large projects or for distributed generation versus community solar projects. The Working Group states that where possible, the Administrator should keep to any framework that allows for maximizing program hiring benefits for trainees equitably across categories; such a recommendation could be implemented during the Project Application phase where developers who commit to exceeding the baseline requirements are awarded additional points in a scoring rubric.

### **RECOMMENDATION :**

The number of trainee hours will be dictated by the annual installations across an Approved Vendor's entire portfolio of projects, which will include an increasing share of hours from qualified trainees. While the Agency and Program Administrator recognize

---

<sup>2</sup> For avoidance of doubt, each Approved Vendor's performance year is specific to that vendor and does not track ILSFA program years, which span from June 1st to the following May 31st.



the scoring rubric idea, there is a desire to first see how the baseline requirements are implemented and closely monitor the results prior to engaging in a scoring rubric or requiring a minimum quantity of trainees based on the project size as an example. The rubric idea may be taken into consideration for project selection.

## 1.12 Exempting Distributed Generation from the ICC requirement for Qualified Person

The Illinois Solar for All Working Group recommends that the Qualified Person exemption should apply to all ILSFA project installations.

### **RECOMMENDATION :**

While the law calls for an exemption of universal Qualified Person requirements for ILSFA installations, and it is believed this exemption was included to ensure that trainees from FEJA Workforce Development Programs could be hired to work on installations funded through the program, the ICC rule (Title 83, [Section 468.60\(d\)](#) of the Illinois Administrative Code) for Qualified Persons working on Distributed Generation projects – which allows certain non-Qualified Persons to install Distributed Generation facilities if supervised by a Qualified Person – must still be adhered to for any installation within Illinois.

## 2. Data Collection Requirements

### 2.1 Is it appropriate to share salary information?

The Illinois Solar for All Working Group notes that there should be no functional difference of the wages paid to a trainee and wages paid to an equivalent employee within the first two years of employment. The Working Group suggests that in situations where Approved Vendors are found to be suppressing wages via the workforce requirements, the Administrator should initiate remediation measures.

### **RECOMMENDATION :**

Salary information will be collected and the Program Administrator will share anonymized salary information within the limitations of the law so individuals cannot be identified by the data.

## 2.2 What other data is relevant for tracking job trainees?

### RECOMMENDATION :

1. Salary and wage data broken down by income and minority status demographic data
2. Geographic distribution of training and hiring (such data will cover where the training program was held, where a trainee lives, where the Approved Vendor/hiring company is located, and where job sites are located)
3. Tracking of levels of training and certification of subsequent hires post trainee status

Salary and other sensitive data should be voluntarily shared by the trainee. Where salary data cannot be captured at the project level, salary and other data will be captured via periodic survey research and anonymized, including salary, retention, title and job tasks, geography, demographics, etc. These surveys, along with collaborative efforts with workforce development administrators and grantees, will offer opportunities to address concerns about tracking issues of wage suppression and hiring practices related to trainees.

## 2.3 Data resources and data sharing

Recommendations were made to collect and publicly share data related to job training programs, job opportunities, hiring organizations, etc., to facilitate the hiring of qualified trainees.

### RECOMMENDATION :

The Program Administrator will develop an online site specific to job training, including the listing and mapping of Approved Vendors, installer/contractors, job training programs, and other resources that help facilitate the connection between hiring companies and qualified trainees. The Program Administrator will strive to partner with workforce development administrators and grantees to share other data and resources, including the job/resume forum being developed by ComEd as well as other similar tools being developed to further this goal.

In addition, where possible and allowed by law or conditions of contracts, data will be shared or research conducted collaboratively across workforce development administrators and grantees to further identify trends in job training, hiring, retention, and satisfaction.

## 3. Validation and Remediation

### 3.1 Progressive stages for Approved Vendor remediation include Warning and Suspension.

The Illinois Solar for All Working Group agrees that progressive stages are appropriate for Approved Vendor remediation. Specifically, the Working Group recommends that Approved Vendor data should be tracked within specific time intervals so that problems with vendor implementation can be identified in a timely manner and Approved Vendors can engage in discussions with the Administrator regarding the reasons for lacking compliance.

Recommendations from industry stakeholders at the February 1, 2019, live session stated that remediation should be tied to revocation of REC payments. The ILSFA Working Group suggests that Approved Vendors suspended from the program be required to submit detailed job training records prior to releasing REC payments.

#### **RECOMMENDATION :**

The Program Administrator will maintain the proposed approach for progressive stages of remediation for failure to meet job training requirements, including warning and suspension. However, the recommendation to withhold REC payments as a result of failure to meet requirements will not be adopted. It is believed the implications of withholding or clawing back REC payments may have an adverse effect on program participants, lenders, and the industry. It is believed that removal from the program will be a sufficient deterrent for bad actors and poor performance or hiring practices can be better mitigated by establishing a long-term partnership between the Program Administrator and Approved Vendor.

### 3.3 Another option for Approved Vendors on Warning is to require annual targets for job training be met with every project moving forward.

The Illinois Solar for All Working Group recommends that the Program Administrator develop a rubric of requirements that could be utilized to assess if and when Approved Vendors should receive a warning status and how to address their warning status, including, but not limited to, the option outlined to require annual targets for job training to be met with every project moving forward. The Working Group suggests that the Administrator should be both creative and flexible when developing remedies for

Approved Vendors in the warning stage, and warning and remediation should be a collaborative process with the Approved Vendor.

#### **RECOMMENDATION :**

While the Program Administrator sees the value in collecting job training data and hiring efforts with every project, it is believed that the Plan is clear that the requirements for job training are based on annual, cumulative efforts, and Approved Vendors cannot be held to these requirements with every project. Further, this may be impractical based on staffing and business needs.

However, as detailed below, the Program Administrator will use the project-level affidavit and a project-level waiver process to capture data regarding hiring efforts for any project that does not meet job training requirements. This data can be used to support a waiver determination later and to generally help the Program Administrator to track and affect job training efforts in real time.

### **3.4 The Waiver Process/What kind of documentation should be required of good faith effort for waivers?**

There were many comments at the February 1st live session regarding the use of waivers, including questioning their relevance based on potential trainee interest, geographic limitations expected, and a concern of abusing the waiver process. The Illinois Solar for All Working Group recommends that a very high bar be set for consideration of a waiver request; generally, documentation of efforts will be critical and Approved Vendors should be required to call attention to their difficulties in a timely manner such that the Administrator can assist early in the process with compliance when possible.

#### **RECOMMENDATION :**

A per-project affidavit will capture Approved Vendor and Contractor hours for the project and any job training hours and data for the project. In addition to other standard job training data captured on the project-level affidavit, Approved Vendors will be required to submit a waiver for every project that does not meet the annual requirements for that project. The waiver must detail good faith efforts for meeting job training requirements for that project. A rubric will be developed that will provide a framework for approving or denying the waiver, weighing efforts throughout the year, submission of required data, and geographic considerations (including less stringent requirements where no qualified program exists within 100 miles of the project). If the waiver is granted, the hours for that project will not count towards annual targets (the numerator or denominator). If denied, those hours will be counted towards annual

targets. Failure to meet annual targets will result in progressive remediation, i.e., warning (if status is currently active) or suspension (if status is currently on warning). Approved Vendors will be encouraged to seek waivers prior to project construction to minimize the risk of noncompliance. There should be no presumption of guarantee that waivers will be granted.

## 4. Trainee and Approved Vendor Connections

### 4.1 Data Clearinghouse Resources for Vendors and Trainees

The Illinois Solar for All Working Group recommends that the Program Administrator maintain a publicly available database of information hosted on the internet and provided via a portal which includes data from entities providing training that Approved Vendors can use to identify training programs and potential training graduates to hire.

#### **RECOMMENDATION :**

The Program Administrator will regularly communicate with the FEJA training programs to share resources and contact information to make sure Approved Vendors are easily able to find trainees and trainees know who the Approved Vendors are if they want to contact them.

### 4.2 Map and General Matchmaking

The Illinois Solar for All Working Group recommends the Program Administrator strongly recommend that Approved Vendors establish working relationships with the training entities in their geographic area(s) such that natural connections are built and maintained that enable hiring to occur in a timelier manner. The Working Group further recommends that the Administrator keep track of geographic distribution of training programs as well as the types of trainings provided and what types of projects trainings are focused on, along with the kinds of certifications that trainees may have at graduation or may test for shortly thereafter. The Working Group states that the Administrator should continue close coordination with the FEJA Workforce Development Programs and ComEd as the entity with statutory responsibility for coordination of those programs to facilitate hiring, host events, and engage in direct matchmaking where possible.

#### **RECOMMENDATION :**

The Administrator will continue close coordination with the FEJA Workforce Development Programs and ComEd as the entity with statutory responsibility for

coordination of those programs to facilitate hiring, host events, and engage in direct matchmaking where possible. Known training programs, including FEJA programs and Other Qualifying Programs, will be publicly mapped.