

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 12-4.4 as follows:

6 (305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)

7 Sec. 12-4.4. Administration of federally-aided programs.
8 Direct County Departments of Public Aid in the administration
9 of the federally funded Supplemental Nutrition Assistance
10 (SNAP) Program ~~food stamp program~~, programs to aid refugees and
11 Articles III, IV, and V of this Code.

12 The Illinois Department of Human Services shall operate a
13 SNAP Employment and Training (SNAP E&T) program ~~Food Stamp~~
14 ~~Employment and Training (FSE&T) program~~ in compliance with
15 federal law. The SNAP E&T ~~FSE&T~~ program may only be mandatory
16 in counties where the Department can show that there are
17 sufficient program slots for at least the majority of the
18 county's current non-exempt work registrants as described in
19 Section 11-20 of this Code. Nothing in this Section shall
20 prevent the Department from operating a fully voluntary SNAP
21 E&T program. The SNAP E&T program will have an Earnfare
22 component. The Earnfare component shall be available in
23 selected geographic areas based on criteria established by the

1 Illinois Department of Human Services by rule. Participants in
2 Earnfare will, to the extent resources allow, earn their
3 assistance. Participation in the Earnfare program is
4 voluntary, except when ordered by a court of competent
5 jurisdiction. Eligibility for Earnfare may be limited to only 6
6 months out of any 12 consecutive month period. Clients are not
7 entitled to be placed in an Earnfare slot. Earnfare slots shall
8 be made available only as resources permit. Earnfare shall be
9 available to persons receiving SNAP benefits ~~food stamps~~ who
10 meet eligibility criteria established by the Illinois
11 Department of Human Services by rule. The Illinois Department
12 may, by rule, extend the Earnfare Program to clients who do not
13 receive SNAP benefits ~~food stamps~~. Receipt of SNAP benefits
14 ~~food stamps~~ is not an eligibility requirement of Earnfare when
15 a court of competent jurisdiction orders an individual to
16 participate in the Earnfare Program. To the extent resources
17 permit, the Earnfare program will allow participants to engage
18 in work-related activities to earn monthly financial
19 assistance payments and to improve participants' employability
20 in order for them to succeed in obtaining employment. The
21 Illinois Department of Human Services may enter into contracts
22 with other public agencies including State agencies, with local
23 governmental units, and with not-for-profit community based
24 organizations to carry out the elements of the Program that the
25 Department of Human Services deems appropriate.

26 The Earnfare Program shall contain the following elements:

1 (1) To the extent resources allow and slots exist, the
2 Illinois Department of Human Services shall refer
3 recipients of SNAP benefits ~~food stamp assistance~~ who meet
4 eligibility criteria, as established by rule. Receipt of
5 SNAP benefits ~~food stamps~~ is not an eligibility requirement
6 of Earnfare when a court of competent jurisdiction orders
7 an individual to participate in the Earnfare Program.

8 (2) Persons participating in Earnfare shall engage in
9 employment assigned activities equal to the amount of the
10 SNAP ~~food stamp~~ benefits divided by the State or federal
11 minimum wage, whichever is higher, and subsequently shall
12 earn minimum wage assistance for each additional hour of
13 performance in Earnfare activity. Earnfare participants
14 shall be offered the opportunity to earn up to \$154. The
15 Department of Human Services may establish a higher amount
16 by rule provided resources permit. If a court of competent
17 jurisdiction orders an individual to participate in the
18 Earnfare program, hours engaged in employment assigned
19 activities shall first be applied for a \$50 payment made to
20 the custodial parent as a support obligation. If the
21 individual receives SNAP benefits ~~food stamps~~, the
22 individual shall engage in employment assigned activities
23 equal to the amount of the SNAP ~~food stamp~~ benefits divided
24 by the State or federal minimum wage, whichever is higher,
25 and subsequently shall earn State or federal minimum wage
26 assistance, whichever is higher, for each additional hour

1 of performance in Earnfare activity.

2 (3) To the extent appropriate slots are available, the
3 Illinois Department of Human Services shall assign
4 Earnfare participants to Earnfare activities based on an
5 assessment of the person's age, literacy, education,
6 educational achievement, job training, work experience,
7 and recent institutionalization, whenever these factors
8 are known to the Department of Human Services or to the
9 contractor and are relevant to the individual's success in
10 carrying out the assigned activities and in ultimately
11 obtaining employment.

12 (4) The Department of Human Services shall consider the
13 participant's preferences and personal employment goals in
14 making assignments to the extent administratively possible
15 and to the extent that resources allow.

16 (5) The Department of Human Services may enter into
17 cooperative agreements with local governmental units
18 (which may, in turn, enter into agreements with
19 not-for-profit community based organizations): with other
20 public, including State, agencies; directly with
21 not-for-profit community based organizations, and with
22 private employers to create Earnfare activities for
23 program participants.

24 (6) To the extent resources permit, the Department of
25 Human Services shall provide the Earnfare participants
26 with the costs of transportation in looking for work and in

1 getting to and from the assigned Earnfare job site and
2 initial expenses of employment.

3 (7) All income and asset limitations of the Federal
4 SNAP ~~Food Stamp~~ Program will govern continued Earnfare
5 participation, except that court ordered participants
6 shall participate for 6 months unless the court orders
7 otherwise.

8 (8) Earnfare participants shall not displace or
9 substitute for regular, full time or part time employees,
10 regardless of whether or not the employee is currently
11 working, on a leave of absence or in a position or similar
12 position where a layoff has taken place or the employer has
13 terminated the employment of any regular employee or
14 otherwise reduced its workforce with the effect of filling
15 the vacancy so created with a participant subsidized under
16 this program, or is or has been involved in a labor dispute
17 between a labor organization and the sponsor.

18 (9) Persons who fail to cooperate with the SNAP E&T
19 ~~FSE&T~~ program in counties where available program slots
20 exist for at least the majority of that county's current
21 work registrants shall become ineligible for SNAP benefits
22 ~~food stamp assistance~~ according to SNAP ~~Food Stamp~~
23 regulations, and for Earnfare participation. Failure to
24 participate in Earnfare for all of the hours assigned is
25 not a failure to cooperate unless so established by the
26 employer pursuant to Department of Human Services rules. If

1 a person who is ordered by a court of competent
2 jurisdiction to participate in the Earnfare Program fails
3 to cooperate with the Program, the person shall be referred
4 to the court for failure to comply with the court order.

5 (Source: P.A. 94-533, eff. 8-10-05.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.