



Adopted in House Comm. on Mar 04, 2004

09300HB4730ham001

LRB093 19722 AMC 47749 a

1 AMENDMENT TO HOUSE BILL 4730

2 AMENDMENT NO. _____. Amend House Bill 4730 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 6-1.7 and 12-4.4 and by adding Section 9A-15
6 as follows:

7 (305 ILCS 5/6-1.7) (from Ch. 23, par. 6-1.7)

8 Sec. 6-1.7. A recipient of financial aid under this
9 Article, which money or vendor payment is made by a local
10 governmental unit which administers aid under this Article and
11 is not a County Department, who is required under Section 6-1.4
12 to register for and accept bona fide offers of employment as
13 provided in Section 11-20 but is not required to participate in
14 a job search, training and work program under Section 9-6, must
15 also register for work with such local governmental unit and
16 must perform work without compensation for a taxing district or
17 private not-for-profit organization as provided in this
18 Section.

19 A local governmental unit which administers aid under this
20 Article shall maintain a roster of the persons who have
21 registered for work in such local governmental unit, and shall
22 assure that such roster is available for the inspection of the
23 governing authorities of all taxing districts or private
24 not-for-profit organizations, or the duly authorized agents

1 thereof, for the selection of possible workers. Each such local
2 governmental unit shall cause persons, who are selected by a
3 taxing district or private not-for-profit organization to
4 perform work, to be notified at least 24 hours in advance of
5 the time the work is to begin.

6 Each such local governmental unit shall assure that the
7 following additional requirements are complied with:

8 (a) The taxing district or private not-for-profit
9 organization may not use a person selected to work under this
10 Section to replace a regular employee.

11 (b) The work to be performed for the taxing district or
12 private not-for-profit organization must be reasonably related
13 to the skills or interests of the recipient.

14 (c) The maximum number of hours such work may be performed
15 is 8 hours per day and 40 hours per week.

16 (d) The recipient shall be provided or compensated for
17 transportation to and from the work location.

18 (e) The person selected to work under this Section shall
19 receive credit against his or her monthly benefits under this
20 Article, based on the State or federal minimum wage rate,
21 whichever is higher, for the work performed.

22 However, a taxing district or private not-for-profit
23 organization using the services of such recipient must pay the
24 recipient at least the State or federal minimum wage, whichever
25 is higher, after such recipient has received credit by the
26 Illinois Department equal to the amount of financial aid
27 received under this Article, or the recipient shall be
28 discharged. Moneys made available for public aid purposes under
29 this Article may be expended to purchase worker's compensation
30 insurance or to pay worker's compensation claims.

31 For the purposes of this Section, "taxing district" means
32 any unit of local government, as defined in Section 1 of
33 Article VII of the Constitution, with the power to tax, and any
34 school district or community college district.

1 (Source: P.A. 85-114.)

2 (305 ILCS 5/9A-15 new)

3 Sec. 9A-15. Work activity; applicable minimum wage. The
4 State or federal minimum wage, whichever is higher, shall be
5 used to calculate the required number of hours of participation
6 in any earnfare or pay after performance activity under Section
7 9A-9 or any other Section of this Code in which a recipient of
8 public assistance performs work as a condition of receiving the
9 public assistance and the recipient is not paid wages for the
10 work.

11 (305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)

12 Sec. 12-4.4. Administration of federally-aided programs.
13 Direct County Departments of Public Aid in the administration
14 of the federally funded food stamp program, programs to aid
15 refugees and Articles III, IV, and V of this Code.

16 The Illinois Department of Human Services shall operate a
17 Food Stamp Employment and Training (FSE&T) program in
18 compliance with federal law. The FSE&T program will have an
19 Earnfare component. The Earnfare component shall be available
20 in selected geographic areas based on criteria established by
21 the Illinois Department of Human Services by rule. Participants
22 in Earnfare will, to the extent resources allow, earn their
23 assistance. Participation in the Earnfare program is
24 voluntary, except when ordered by a court of competent
25 jurisdiction. Eligibility for Earnfare may be limited to only 6
26 months out of any 12 consecutive month period. Clients are not
27 entitled to be placed in an Earnfare slot. Earnfare slots shall
28 be made available only as resources permit. Earnfare shall be
29 available to persons receiving food stamps who meet eligibility
30 criteria established by the Illinois Department of Human
31 Services by rule. The Illinois Department may, by rule, extend
32 the Earnfare Program to clients who do not receive food stamps.

1 Receipt of food stamps is not an eligibility requirement of
2 Earnfare when a court of competent jurisdiction orders an
3 individual to participate in the Earnfare Program. To the
4 extent resources permit, the Earnfare program will allow
5 participants to engage in work-related activities to earn
6 monthly financial assistance payments and to improve
7 participants' employability in order for them to succeed in
8 obtaining employment. The Illinois Department of Human
9 Services may enter into contracts with other public agencies
10 including State agencies, with local governmental units, and
11 with not-for-profit community based organizations to carry out
12 the elements of the Program that the Department of Human
13 Services deems appropriate.

14 The Earnfare Program shall contain the following elements:

15 (1) To the extent resources allow and slots exist, the
16 Illinois Department of Human Services shall refer
17 recipients of food stamp assistance who meet eligibility
18 criteria, as established by rule. Receipt of food stamps is
19 not an eligibility requirement of Earnfare when a court of
20 competent jurisdiction orders an individual to participate
21 in the Earnfare Program.

22 (2) Persons participating in Earnfare shall engage in
23 employment assigned activities equal to the amount of the
24 food stamp benefits divided by the State or federal minimum
25 wage, whichever is higher, and subsequently shall earn
26 minimum wage assistance for each additional hour of
27 performance in Earnfare activity. Earnfare participants
28 shall be offered the opportunity to earn up to \$154. The
29 Department of Human Services may establish a higher amount
30 by rule provided resources permit. If a court of competent
31 jurisdiction orders an individual to participate in the
32 Earnfare program, hours engaged in employment assigned
33 activities shall first be applied for a \$50 payment made to
34 the custodial parent as a support obligation. If the

1 individual receives food stamps, the individual shall
2 engage in employment assigned activities equal to the
3 amount of the food stamp benefits divided by the State or
4 federal minimum wage, whichever is higher, and
5 subsequently shall earn State or federal minimum wage
6 assistance, whichever is higher, for each additional hour
7 of performance in Earnfare activity.

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

18 (4) The Department of Human Services shall consider the
19 participant's preferences and personal employment goals in
20 making assignments to the extent administratively possible
21 and to the extent that resources allow.

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

30 (6) To the extent resources permit, the Department of
31 Human Services shall provide the Earnfare participants
32 with the costs of transportation in looking for work and in
33 getting to and from the assigned Earnfare job site and
34 initial expenses of employment.

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

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

16 (9) Persons who fail to cooperate with the FSE&T
17 program shall become ineligible for food stamp assistance
18 according to Food Stamp regulations, and for Earnfare
19 participation. Failure to participate in Earnfare for all
20 of the hours assigned is not a failure to cooperate unless
21 so established by the employer pursuant to Department of
22 Human Services rules. If a person who is ordered by a court
23 of competent jurisdiction to participate in the Earnfare
24 Program fails to cooperate with the Program, the person
25 shall be referred to the court for failure to comply with
26 the court order.

27 (Source: P.A. 92-111, eff. 1-1-02.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law."