



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0519

Introduced 2/17/2005, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

305 ILCS 5/6-1.7	from Ch. 23, par. 6-1.7
305 ILCS 5/9A-15 new	
305 ILCS 5/12-4.4	from Ch. 23, par. 12-4.4

Amends the Illinois Public Aid Code. Provides that the State or federal minimum wage, whichever is higher (instead of simply the State minimum wage), shall be used to calculate: (1) the amount of credit received against General Assistance benefits for work performed; and (2) the required number of hours of participation required in any Earnfare or pay-after-performance activity. Provides that a taxing district or other entity using the services of a General Assistance recipient must pay the recipient at least the State or federal minimum wage, whichever is higher (instead of simply the State minimum wage), after the recipient has received credit equal to the amount of General Assistance he or she received. Effective immediately.

LRB094 10618 DRJ 40953 b

FISCAL NOTE ACT
MAY APPLY

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

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

32 (a) The taxing district or private not-for-profit

1 organization may not use a person selected to work under this
2 Section to replace a regular employee.

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

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

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

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

14 However, a taxing district or private not-for-profit
15 organization using the services of such recipient must pay the
16 recipient at least the State or federal minimum wage, whichever
17 is higher, after such recipient has received credit by the
18 Illinois Department equal to the amount of financial aid
19 received under this Article, or the recipient shall be
20 discharged. Moneys made available for public aid purposes under
21 this Article may be expended to purchase worker's compensation
22 insurance or to pay worker's compensation claims.

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

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

28 (305 ILCS 5/9A-15 new)

29 Sec. 9A-15. Work activity; applicable minimum wage. The
30 State or federal minimum wage, whichever is higher, shall be
31 used to calculate the required number of hours of participation
32 in any earnfare or pay-after-performance activity under
33 Section 9A-9 or any other Section of this Code in which a
34 recipient of public assistance performs work as a condition of
35 receiving the public assistance and the recipient is not paid

1 wages for the work.

2 (305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)

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

7 The Illinois Department of Human Services shall operate a
8 Food Stamp Employment and Training (FSE&T) program in
9 compliance with federal law. The FSE&T program will have an
10 Earnfare component. The Earnfare component shall be available
11 in selected geographic areas based on criteria established by
12 the Illinois Department of Human Services by rule. Participants
13 in Earnfare will, to the extent resources allow, earn their
14 assistance. Participation in the Earnfare program is
15 voluntary, except when ordered by a court of competent
16 jurisdiction. Eligibility for Earnfare may be limited to only 6
17 months out of any 12 consecutive month period. Clients are not
18 entitled to be placed in an Earnfare slot. Earnfare slots shall
19 be made available only as resources permit. Earnfare shall be
20 available to persons receiving food stamps who meet eligibility
21 criteria established by the Illinois Department of Human
22 Services by rule. The Illinois Department may, by rule, extend
23 the Earnfare Program to clients who do not receive food stamps.
24 Receipt of food stamps is not an eligibility requirement of
25 Earnfare when a court of competent jurisdiction orders an
26 individual to participate in the Earnfare Program. To the
27 extent resources permit, the Earnfare program will allow
28 participants to engage in work-related activities to earn
29 monthly financial assistance payments and to improve
30 participants' employability in order for them to succeed in
31 obtaining employment. The Illinois Department of Human
32 Services may enter into contracts with other public agencies
33 including State agencies, with local governmental units, and
34 with not-for-profit community based organizations to carry out
35 the elements of the Program that the Department of Human

1 Services deems appropriate.

2 The Earnfare Program shall contain the following elements:

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

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

30 (3) To the extent appropriate slots are available, the
31 Illinois Department of Human Services shall assign
32 Earnfare participants to Earnfare activities based on an
33 assessment of the person's age, literacy, education,
34 educational achievement, job training, work experience,
35 and recent institutionalization, whenever these factors
36 are known to the Department of Human Services or to the

1 contractor and are relevant to the individual's success in
2 carrying out the assigned activities and in ultimately
3 obtaining employment.

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

8 (5) The Department of Human Services may enter into
9 cooperative agreements with local governmental units
10 (which may, in turn, enter into agreements with
11 not-for-profit community based organizations): with other
12 public, including State, agencies; directly with
13 not-for-profit community based organizations, and with
14 private employers to create Earnfare activities for
15 program participants.

16 (6) To the extent resources permit, the Department of
17 Human Services shall provide the Earnfare participants
18 with the costs of transportation in looking for work and in
19 getting to and from the assigned Earnfare job site and
20 initial expenses of employment.

21 (7) All income and asset limitations of the Federal
22 Food Stamp Program will govern continued Earnfare
23 participation, except that court ordered participants
24 shall participate for 6 months unless the court orders
25 otherwise.

26 (8) Earnfare participants shall not displace or
27 substitute for regular, full time or part time employees,
28 regardless of whether or not the employee is currently
29 working, on a leave of absence or in a position or similar
30 position where a layoff has taken place or the employer has
31 terminated the employment of any regular employee or
32 otherwise reduced its workforce with the effect of filling
33 the vacancy so created with a participant subsidized under
34 this program, or is or has been involved in a labor dispute
35 between a labor organization and the sponsor.

36 (9) Persons who fail to cooperate with the FSE&T

1 program shall become ineligible for food stamp assistance
2 according to Food Stamp regulations, and for Earnfare
3 participation. Failure to participate in Earnfare for all
4 of the hours assigned is not a failure to cooperate unless
5 so established by the employer pursuant to Department of
6 Human Services rules. If a person who is ordered by a court
7 of competent jurisdiction to participate in the Earnfare
8 Program fails to cooperate with the Program, the person
9 shall be referred to the court for failure to comply with
10 the court order.

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.