

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.