**Section 121.182 Earnfare** **Activity**

a) Assignment to the Earnfare activity is limited to adults who receive SNAP and who volunteer or are court-ordered to participate.

b) Eligibility Criteria

1) Eligibility for the Earnfare activity shall be limited to six months out of the fixed 12-month period July through June. Court-ordered participants shall participate for six months unless the court orders participation for less than six months out of the 12-month period.

2) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.

3) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability to succeed in obtaining unsubsidized employment.

c) Administration and Contracts

DHS may enter into contracts with other public agencies, including State agencies, local governmental units, and not-for-profit community-based organizations, to help develop Earnfare opportunities and otherwise administer the program.

d) Notification and Referrals

1) The Illinois Department, comprehensive providers and participating units shall make referrals to the Earnfare program as follows:

A) Any individual receiving SNAP benefits may be referred or may request a referral.

B) Individuals not receiving SNAP benefits who are non-custodial parents of TANF children may be ordered by a court of competent jurisdiction to participate in the Earnfare Component.

C) Within 30 days after a request for an Earnfare referral:

i) individuals who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;

ii) individuals who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he/she is qualified.

2) When possible, within 30 days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.

e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:

1) there are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;

2) there are no questions of working conditions, such as risks to health or safety;

3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;

4) there is no unreasonable degree of risk to the individual's health and safety; and

5) the individual is physically and mentally competent to perform the work.

f) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.

g) Earnfare Activity Requirements

1) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department, not-for-profit, community-based organization, or the participating local governmental unit shall discuss with the individual available Earnfare assignments, together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.

2) The Department, comprehensive providers and local governmental units shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular business hours.

h) Payments

1) Individuals participating in Earnfare shall engage in hours of work equal to the amount of the SNAP benefits divided by the State or federal minimum wage, whichever is higher, and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity, up to a maximum amount per month established by the Department based on the State minimum wage and available resources. An individual is considered to have participated in Earnfare in any month he or she earns a payment.

A) If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment-assigned activities multiplied by the State or federal minimum wage, whichever is higher, shall first be applied as a $50 payment made to the custodial parent as a support obligation. If the individual receives SNAP benefits, the individual shall engage in hours of employment-assigned activities equal to the amount of the SNAP benefits divided by the State or federal minimum wage, whichever is higher, and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity.

B) Individuals will be assigned hours of Earnfare based upon their SNAP allotment amount. An individual living in a multi-person SNAP household shall be deemed to be receiving a per capita share of the household's SNAP allotment, for purposes of calculating the Earnfare hours.

C) During an individual's Earnfare participation, the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly SNAP benefit changes by at least $20, effective the same month as the change in the SNAP benefit. Individuals and contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.

2) Individuals remain financially eligible for Earnfare and Earnfare job search activity so long as they receive SNAP benefits. Receipt of SNAP is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual to participate who is a non-custodial parent of TANFchildren.

3) DHS may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the SNAP hours of work obligation and, if ordered by a court of competent jurisdiction, in excess of SNAP hours and the support obligation.

4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with DHS, comprehensive providers, or the local governmental unit. DHS, comprehensive providers or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize DHS' appeal process.

5) DHS or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site and to Earnfare participants who are not in the job search component for specific job interviews arranged by their Earnfare employer. Individuals obtaining unsubsidized employment while participating in Earnfare may be eligible for initial employment expenses as stated in Section 121.188.

6) Participants in the Earnfare job search activity are eligible for reimbursement of reasonable and necessary employer contact related expenses.

7) DHS will provide support services for necessary clothing to enable participants to report to their Earnfare job site.

i) Participation Requirements

1) Individuals are required to report as scheduled and on time to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.

2) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, DHS, the contracted provider, the community-based organization, or the community college/university shall re-assess the individual. If the person is ordered by a court of competent jurisdiction to participate in the Earnfare Component, that person shall also be referred back to the court when unable to perform the work that has been assigned.

3) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. DHS, comprehensive providers or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments.

4) During Earnfare assignment, individuals are required to accept bona fide offers of suitable employment

5) During the Earnfare assignment, participants are required to apply for suitable jobs for which the provider makes a referral.

6) Earnfare clients may participate in a voluntary job search activity as resources permit. Earnfare clients may participate for two months in the 12- month period, either concurrently or following the six-month eligibility period for Earnfare.

(Source: Amended at 44 Ill. Reg. 5348, effective March 11, 2020)