

1 AN ACT in relation to 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 food stamp program, programs to aid
10 refugees and Articles III, IV, and V of this Code.

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

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

12 The Earnfare Program shall contain the following
13 elements:

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

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

1 engage in employment assigned activities equal to the
2 amount of the food stamp benefits divided by the federal
3 minimum wage and subsequently shall earn minimum wage
4 assistance for each additional hour of performance in
5 Earnfare activity.

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

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

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

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

34 (7) All income and asset limitations of the Federal

1 Food Stamp Program will govern continued Earnfare
2 participation, except that court ordered participants
3 shall participate for 6 months unless the court orders
4 otherwise.

5 (8) Earnfare participants shall not displace or
6 substitute for regular, full time or part time employees,
7 regardless of whether or not the employee is currently
8 working, on a leave of absence or in a position or
9 similar position where a layoff has taken place or the
10 employer has terminated the employment of any regular
11 employee or otherwise reduced its workforce with the
12 effect of filling the vacancy so created with a
13 participant subsidized under this program, or is or has
14 been involved in a labor dispute between a labor
15 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
20 all of the hours assigned is not a failure to cooperate
21 unless so established by the employer pursuant to
22 Department of Human Services rules. If a person who is
23 ordered by a court of competent jurisdiction to
24 participate in the Earnfare Program fails to cooperate
25 with the Program, the person shall be referred to the
26 court for failure to comply with 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.