

AN ACT concerning public aid.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Illinois Public Aid Code is amended by changing Section 12-4.4 as follows:

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

Sec. 12-4.4. Administration of federally-aided programs. Direct County Departments of Public Aid in the administration of the federally funded Supplemental Nutrition Assistance (SNAP) Program ~~food stamp program~~, programs to aid refugees and Articles III, IV, and V of this Code.

The Illinois Department of Human Services shall operate a SNAP Employment and Training (SNAP E&T) program ~~Food Stamp Employment and Training (FSE&T) program~~ in compliance with federal law. The SNAP E&T ~~FSE&T~~ program may only be mandatory in counties where the Department can show that there are sufficient program slots for at least the majority of the county's current non-exempt work registrants as described in Section 11-20 of this Code. Nothing in this Section shall prevent the Department from operating a fully voluntary SNAP E&T program. The SNAP E&T program will have an Earnfare component. The Earnfare component shall be available in selected geographic areas based on criteria established by the

Illinois Department of Human Services by rule. Participants in Earnfare will, to the extent resources allow, earn their assistance. Participation in the Earnfare program is voluntary, except when ordered by a court of competent jurisdiction. Eligibility for Earnfare may be limited to only 6 months out of any 12 consecutive month period. Clients are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit. Earnfare shall be available to persons receiving SNAP benefits ~~food stamps~~ who meet eligibility criteria established by the Illinois Department of Human Services by rule. The Illinois Department may, by rule, extend the Earnfare Program to clients who do not receive SNAP benefits ~~food stamps~~. Receipt of SNAP benefits ~~food stamps~~ is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual to participate in the Earnfare Program. To the extent resources permit, the Earnfare program will allow participants to engage in work-related activities to earn monthly financial assistance payments and to improve participants' employability in order for them to succeed in obtaining employment. The Illinois Department of Human Services may enter into contracts with other public agencies including State agencies, with local governmental units, and with not-for-profit community based organizations to carry out the elements of the Program that the Department of Human Services deems appropriate.

The Earnfare Program shall contain the following elements:

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

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

of performance in Earnfare activity.

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

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

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

(6) To the extent resources permit, the Department of Human Services shall provide the Earnfare participants with the costs of transportation in looking for work and in

getting to and from the assigned Earnfare job site and initial expenses of employment.

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

(8) Earnfare participants shall not displace or substitute for regular, full time or part time employees, regardless of whether or not 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 workforce with the effect of filling the vacancy so created with a participant subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.

(9) Persons who fail to cooperate with the SNAP E&T ~~FSE&T~~ program in counties where available program slots exist for at least the majority of that county's current work registrants shall become ineligible for SNAP benefits ~~food stamp assistance~~ according to SNAP ~~Food Stamp~~ regulations, and for Earnfare participation. Failure to participate in Earnfare for all of the hours assigned is not a failure to cooperate unless so established by the employer pursuant to Department of Human Services rules. If

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a person who is ordered by a court of competent jurisdiction to participate in the Earnfare Program fails to cooperate with the Program, the person shall be referred to the court for failure to comply with the court order.

(Source: P.A. 94-533, eff. 8-10-05.)

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