

1 AMENDMENT TO HOUSE BILL 3022

2 AMENDMENT NO. _____. Amend House Bill 3022 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 9A-3, 9A-5, 9A-7, 9A-8, and 9A-9 as
6 follows:

7 (305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)
8 Sec. 9A-3. Establishment of Program and Level of
9 Services.

10 (a) The Illinois Department shall establish and maintain
11 a program to provide recipients with services consistent with
12 the purposes and provisions of this Article. The program
13 offered in different counties of the State may vary depending
14 on the resources available to the State to provide a program
15 under this Article, and no program may be offered in some
16 counties, depending on the resources available. Services may
17 be provided directly by the Illinois Department or through
18 contract. References to the Illinois Department or staff of
19 the Illinois Department shall include contractors when the
20 Illinois Department has entered into contracts for these
21 purposes. The Illinois Department shall provide each
22 recipient who participates with such services available under

1 the program as are necessary to achieve his employability
2 plan as specified in the plan.

3 (b) The Illinois Department, in operating the program,
4 shall cooperate with public and private education and
5 vocational training or retraining agencies or facilities, the
6 Illinois State Board of Education, the Illinois Community
7 College Board, the Departments of Employment Security and
8 Commerce and Community Affairs or other sponsoring
9 organizations funded under the federal Workforce Investment
10 Job-Training-Partnership Act and other public or licensed
11 private employment agencies.

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

13 (305 ILCS 5/9A-5) (from Ch. 23, par. 9A-5)

14 Sec. 9A-5. Exempt recipients.

15 (a) Exempt recipients under Section 9A-4 may volunteer
16 to participate.

17 (b) Services will be offered to exempt and non-exempt
18 individuals who wish to volunteer to participate only to the
19 extent resources permit.

20 (c) Exempt and non-exempt individuals who volunteer to
21 participate become program participants upon completion of
22 the initial assessment, development of the employability
23 plan, and assignment to a component. An exempt individual who
24 volunteers to participate may not be sanctioned for not
25 meeting program requirements. ~~Volunteers who fail to attend~~
26 ~~the orientation or initial assessment meetings or both will~~
27 ~~not be sanctioned.~~ ~~Exempt and non-exempt individuals who~~
28 ~~attend the orientation meeting and become program~~
29 ~~participants by completing the initial assessment,~~
30 ~~development of the employability plan, and assignment to a~~
31 ~~component may be sanctioned if they do not meet program~~
32 ~~requirements without good cause.~~

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

1 (305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

2 Sec. 9A-7. Good Cause and Pre-Sanction Process.

3 The Department shall establish by rule what constitutes
4 good cause for failure to participate in education, training
5 and employment programs, failure to accept suitable
6 employment or terminating employment or reducing earnings.

7 The Department shall establish, by rule, a pre-sanction
8 process to assist in resolving disputes over proposed
9 sanctions and in determining if good cause exists. Good cause
10 shall include, but not be limited to:

11 (1) temporary illness for its duration;

12 (2) court required appearance or temporary
13 incarceration;

14 (3) (blank);

15 (4) death in the family;

16 (5) (blank);

17 (6) (blank);

18 (7) (blank);

19 (8) (blank);

20 (9) extreme inclement weather;

21 (10) (blank);

22 (11) lack of any support service even though the
23 necessary service is not specifically provided under the
24 Department program, to the extent the lack of the needed
25 service presents a significant barrier to participation;

26 (12) if an individual is engaged in employment or
27 training or both that is consistent with the employment
28 related goals of the program, if such employment and
29 training is later approved by Department staff;

30 (13) (blank);

31 (14) failure of Department staff to correctly
32 forward the information to other Department staff;

33 (15) failure of the participant to cooperate
34 because of attendance at a test or a mandatory class or

1 function at an educational program (including college),
2 when an education or training program is officially
3 approved by the Department;

4 (16) failure of the participant due to his or her
5 illiteracy;

6 (17) failure of the participant because it is
7 determined that he or she should be in a different
8 activity;

9 (18) non-receipt by the participant of a notice
10 advising him or her of a participation requirement, ~~if~~
11 ~~documented by the participant. Documentation can include,~~
12 ~~but is not limited to: a written statement from the post~~
13 ~~office or other informed individual; the notice not sent~~
14 ~~to the participant's last known address in Department~~
15 ~~records; return of the notice by the post office; other~~
16 ~~returned mail; proof of previous mail theft problems.~~
17 ~~When determining whether or not the participant has~~
18 ~~demonstrated non-receipt, the Department shall take into~~
19 ~~consideration a participant's history of cooperation or~~
20 ~~non-cooperation in the past.~~ If the documented
21 non-receipt of mail occurs frequently, the Department
22 shall explore an alternative means of providing notices
23 of participation requests to participants;

24 (19) (blank);

25 (20) non-comprehension of English, either written
26 or oral or both;

27 (21) (blank);

28 (22) (blank);

29 (23) child care (or day care for an incapacitated
30 individual living in the same home as a dependent child)
31 is necessary for the participation or employment and such
32 care is not available for a child under age 13;

33 (24) failure to participate in an activity due to a
34 scheduled job interview, medical appointment for the

1 participant or a household member, or school appointment;

2 (25) the individual is homeless. Homeless
3 individuals (including the family) have no current
4 residence and no expectation of acquiring one in the next
5 30 days. This includes individuals residing in overnight
6 and transitional (temporary) shelters. This does not
7 include individuals who are sharing a residence with
8 friends or relatives on a continuing basis;

9 (26) circumstances beyond the control of the
10 participant which prevent the participant from completing
11 program requirements; or

12 (27) (blank).

13 (b) (Blank).

14 (c) (1) The Department shall establish a reconciliation
15 procedure to assist in resolving disputes related to any
16 aspect of participation, including exemptions, good
17 cause, sanctions or proposed sanctions, supportive
18 services, assessments, responsibility and service plans,
19 assignment to activities, suitability of employment, or
20 refusals of offers of employment. Through the
21 reconciliation process the Department shall have a
22 mechanism to identify good cause, ensure that the client
23 is aware of the issue, and enable the client to perform
24 required activities without facing sanction.

25 (2) A participant may request reconciliation and
26 receive notice in writing of a meeting. At least one
27 face-to-face meeting may be scheduled to resolve
28 misunderstandings or disagreements related to program
29 participation and situations which may lead to a
30 potential sanction. The meeting will address the
31 underlying reason for the dispute and plan a resolution
32 to enable the individual to participate in TANF
33 employment and work activity requirements.

34 (2.5) If the individual fails to appear at the

1 reconciliation meeting without good cause, the
2 reconciliation is unsuccessful and a sanction shall be
3 imposed.

4 (3) The reconciliation process shall continue after
5 it is determined that the individual did not have good
6 cause for non-cooperation. Any necessary demonstration
7 of cooperation on the part of the participant will be
8 part of the reconciliation process. Failure to
9 demonstrate cooperation will result in immediate
10 sanction.

11 (4) For the first instance of non-cooperation, if
12 the client reaches agreement to cooperate, the client
13 shall be allowed 30 days to demonstrate cooperation
14 before any sanction activity may be imposed. In any
15 subsequent instances of non-cooperation, the client shall
16 be provided the opportunity to show good cause or remedy
17 the situation by immediately complying with the
18 requirement.

19 (5) The Department shall document in the case
20 record the proceedings of the reconciliation and provide
21 the client in writing with a reconciliation agreement.

22 (6) If reconciliation resolves the dispute, no
23 sanction shall be imposed. If the client fails to comply
24 with the reconciliation agreement, the Department shall
25 then immediately impose the original sanction. If the
26 dispute cannot be resolved during reconciliation, a
27 sanction shall not be imposed until the reconciliation
28 process is complete.

29 (Source: P.A. 90-17, eff. 7-1-97.)

30 (305 ILCS 5/9A-8) (from Ch. 23, par. 9A-8)
31 Sec. 9A-8. Operation of Program.

32 (a) At the time of application or redetermination of
33 eligibility under Article IV, as determined by rule, the

1 Illinois Department shall provide information in writing and
2 orally regarding the education, training and employment
3 program to all applicants and recipients. The information
4 required shall be established by rule and shall include, but
5 need not be limited to:

6 (1) education (including literacy training),
7 employment and training opportunities available, the
8 criteria for approval of those opportunities, and the
9 right to request changes in the personal responsibility
10 and services plan to include those opportunities;

11 (1.1) a complete list of all activities that are
12 approvable activities, and the circumstances under which
13 they are approvable, including work activities, substance
14 abuse or mental health treatment, activities to escape
15 and prevent domestic violence, caring for a medically
16 impaired family member, and any other approvable
17 activities, together with the right to and procedures for
18 amending the responsibility and services plan to include
19 these activities;

20 (1.2) the rules concerning the lifetime limit on
21 eligibility, including the current status of the
22 applicant or recipient in terms of the months of
23 remaining eligibility, the criteria under which a month
24 will not count towards the lifetime limit, and the
25 criteria under which a recipient may receive benefits
26 beyond the end of the lifetime limit;

27 (2) supportive services including child care and
28 the rules regarding eligibility for and access to the
29 child care assistance program, transportation, initial
30 expenses of employment, job retention, books and fees,
31 and any other supportive services;

32 (3) the obligation of the Department to provide
33 supportive services;

34 (4) the rights and responsibilities of

1 participants, including exemption, sanction,
2 reconciliation, and good cause criteria and procedures,
3 termination for non-cooperation and reinstatement rules
4 and procedures, and appeal and grievance procedures; and

5 (5) the types and locations of child care services.

6 (b) The Illinois Department shall notify the recipient
7 in writing of the opportunity to volunteer to participate in
8 the program.

9 (c) (Blank).

10 (d) As part of the personal plan for achieving
11 employment and self-sufficiency, the Department shall conduct
12 an individualized assessment of the participant's
13 employability. ~~Except--as-to-participation-in-the-Get-A-Job~~
14 ~~Program,~~ No participant may be assigned to any component of
15 the education, training and employment activity prior to such
16 assessment ~~,-provided-that-a-participant-may-be--assigned--up~~
17 ~~to--4-weeks-of-Job-Search-prior-to-such-assessment.~~ The plan
18 shall include collection of information on the individual's
19 background, proficiencies, skills deficiencies, education
20 level, work history, employment goals, interests, aptitudes,
21 and employment preferences, as well as factors affecting
22 employability or ability to meet participation requirements
23 (e.g., health, physical or mental limitations, child care,
24 family circumstances, domestic violence, substance abuse, and
25 special needs of any child of the individual). As part of
26 the plan, individuals and Department staff shall work
27 together to identify any supportive service needs required to
28 enable the client to participate and meet the objectives of
29 his or her employability plan. The assessment may be
30 conducted through various methods such as interviews,
31 testing, counseling, and self-assessment instruments. In the
32 assessment process, the Department shall offer to include
33 standard literacy testing and a determination of English
34 language proficiency and shall provide it for those who

1 ~~accept the offer. for those who display a potential need for~~
2 ~~literacy or language services. For those individuals subject~~
3 ~~to a job search demonstration, there may be an abbreviated~~
4 ~~assessment, as defined by rule. Based on the assessment, the~~
5 individual will be assigned to the appropriate activity. The
6 decision will be based on a determination of the individual's
7 level of preparation for employment as defined by rule.

8 (e) Recipients determined to be exempt may volunteer to
9 participate pursuant to Section 9A-4 and must be assessed.

10 (f) As part of the personal plan for achieving
11 employment and self-sufficiency under Section 4-1, an
12 employability plan for recipients shall be developed in
13 consultation with the participant. The Department shall have
14 final responsibility for approving the employability plan.
15 The employability plan shall:

16 (1) contain an employment goal of the participant;

17 (2) describe the services to be provided by the
18 Department, including child care and other support
19 services;

20 (3) describe the activities, such as component
21 assignment, that will be undertaken by the participant to
22 achieve the employment goal; and

23 (4) describe any other needs of the family that
24 might be met by the Department.

25 (g) The employability plan shall take into account:

26 (1) available program resources;

27 (2) the participant's support service needs;

28 (3) the participant's skills level and aptitudes;

29 (4) local employment opportunities; and

30 (5) the preferences of the participant.

31 (h) A reassessment shall be conducted to assess a
32 participant's progress and to review the employability plan
33 on the following occasions:

34 (1) upon completion of an activity and before

- 1 assignment to an activity;
- 2 (2) upon the request of the participant;
- 3 (3) if the individual is not cooperating with the
- 4 requirements of the program; and
- 5 (4) if the individual has failed to make
- 6 satisfactory progress in an education or training
- 7 program.

8 Based on the reassessment, the Department may revise the

9 employability plan of the participant.

10 (Source: P.A. 90-17, eff. 7-1-97; 91-331, eff. 7-29-99.)

11 (305 ILCS 5/9A-9) (from Ch. 23, par. 9A-9)

12 Sec. 9A-9. Program Activities. The Department shall

13 establish education, training and placement activities by

14 rule. Not all of the same activities need be provided in

15 each county in the State. Such activities may include the

16 following:

17 (a) Education (Below post secondary). In the Education

18 (below post secondary) activity, the individual receives

19 information, referral, counseling services and support

20 services to increase the individual's employment potential.

21 Participants may be referred to testing, counseling and

22 education resources. Educational activities will include

23 basic and remedial education; English proficiency classes;

24 high school or its equivalency (e.g., GED) or alternative

25 education at the secondary level; and with any educational

26 program, structured study time to enhance successful

27 participation. An individual's participation in an education

28 program such as literacy, basic adult education, high school

29 equivalency (GED), or a remedial program shall be limited to

30 2 years unless the individual also is working or

31 participating in a work activity approved by the Illinois

32 Department as defined by rule; this requirement does not

33 apply, however, to students enrolled in high school.

1 (b) Job Skills Training (Vocational). Job Skills
2 Training is designed to increase the individual's ability to
3 obtain and maintain employment. Job Skills Training
4 activities will include vocational skill classes designed to
5 increase a participant's ability to obtain and maintain
6 employment. Job Skills Training may include certificate
7 programs.

8 (c) Job Readiness. The job readiness activity is
9 designed to enhance the quality of the individual's level of
10 participation in the world of work while learning the
11 necessary essentials to obtain and maintain employment. This
12 activity helps individuals gain the necessary job finding
13 skills to help them find and retain employment that will lead
14 to economic independence.

15 (d) Job Search. Job Search may be conducted
16 individually or in groups. Job Search includes the provision
17 of counseling, job seeking skills training and information
18 dissemination. Group job search may include training in a
19 group session. Assignment exclusively to job search cannot
20 be in excess of 8 consecutive weeks (or its equivalent) in
21 any period of 12 consecutive months.

22 (e) Work Experience. Work Experience assignments may be
23 with private employers or not-for-profit or public agencies
24 in the State. The Illinois Department shall provide workers'
25 compensation coverage. Participants who are not members of a
26 2-parent assistance unit may not be assigned more hours than
27 their cash grant amount plus food stamps divided by the
28 minimum wage. Private employers and not-for-profit and
29 public agencies shall not use Work Experience participants to
30 displace regular employees. Participants in Work Experience
31 may perform work in the public interest (which otherwise
32 meets the requirements of this Section) for a federal office
33 or agency with its consent, and notwithstanding the
34 provisions of 31 U.S.C. 1342, or any other provision of law,

1 such agency may accept such services, but participants shall
2 not be considered federal employees for any purpose. A
3 participant shall be reassessed at the end of assignment to
4 Work Experience. The participant may be reassigned to Work
5 Experience or assigned to another activity, based on the
6 reassessment.

7 (f) On the Job Training. In On the Job Training, a
8 participant is hired by a private or public employer and
9 while engaged in productive work receives training that
10 provides knowledge or skills essential to full and adequate
11 performance of the job.

12 (g) Work Supplementation. In work supplementation, the
13 Department pays a wage subsidy to an employer who hires a
14 participant. The cash grant which a participant would
15 receive if not employed is diverted and the diverted cash
16 grant is used to pay the wage subsidy.

17 (h) Post Secondary Education. Post secondary education
18 must be administered by an educational institution accredited
19 under requirements of State law. ~~The Illinois Department may~~
20 ~~not approve an individual's participation in any~~
21 ~~post-secondary education program, other than full-time,~~
22 ~~short-term vocational training for a specific job, unless the~~
23 ~~individual also is employed part-time, as defined by the~~
24 ~~Illinois Department by rule.~~

25 (i) Self Initiated Education. Participants who are
26 attending an institution of higher education or a vocational
27 or technical program of their own choosing and who are in
28 good standing, may continue to attend and receive supportive
29 services only if the educational program is approved by the
30 Department, and is in conformity with the participant's
31 personal plan for achieving employment and self-sufficiency
32 and the participant is employed part-time, as defined by the
33 Illinois Department by rule.

34 (j) Job Development and Placement. Department staff

1 shall develop through contacts with public and private
2 employers unsubsidized job openings for participants. Job
3 interviews will be secured for clients by the marketing of
4 participants for specific job openings. Job ready
5 individuals may be assigned to Job Development and Placement.

6 (k) Job Retention. The job retention component is
7 designed to assist participants in retaining employment.
8 Initial employment expenses and job retention services are
9 provided. The individual's support service needs are
10 assessed and the individual receives counseling regarding job
11 retention skills.

12 (l) (Blank).

13 (1-5) Transitional Jobs. These programs provide
14 temporary wage-paying work combined with case management and
15 other social services designed to address employment
16 barriers. The wage-paying work is treated as regular
17 employment for all purposes under this Code, and the
18 additional activities, as determined by the Transitional Jobs
19 provider, shall be countable work activities. The program
20 must comply with the anti-displacement provisions of this
21 Code governing the Work Experience program.

22 (m) Pay-after-performance Program. A parent may be
23 required to participate in a pay-after-performance program in
24 which the parent must work a specified number of hours to
25 earn the grant. The program shall comply with provisions of
26 this Code governing work experience programs.

27 (n) Community Service. Community service includes
28 unpaid work that the client performs in his or her community,
29 such as for a school, church, government agency, or nonprofit
30 organization. A-participant-whose-youngest-child-is-13-years
31 of--age-or-older-may-be-required-to-perform-at-least-20-hours
32 of-community-service-per-week-as-a-condition--of--eligibility
33 for-aid-under-Article-IV.--The-Illinois-Department-shall-give
34 priority--to--community-service-placements-in-public-schools,

1 ~~where-participants-can-serve-as-hall-and-lunchroom-monitors,~~
2 ~~assist-teachers,-and-perform-other-appropriate-services.~~

3 (Source: P.A. 89-289, eff. 1-1-96; 90-17, eff. 7-1-97;
4 90-457, eff. 1-1-98; 90-655, eff. 7-30-98.)

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