



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/04/04, by Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

305 ILCS 5/6-1.7	from Ch. 23, par. 6-1.7
305 ILCS 5/9A-15 new	
305 ILCS 5/12-4.4	from Ch. 23, par. 12-4.4

Amends the Illinois Public Aid Code. Provides that the State or federal minimum wage, whichever is higher, shall be used to calculate the number of hours of participation required in any work activity, the wage subsidy paid to any employer who hires a recipient of public assistance, and the wage paid to the recipient of public assistance. Effective immediately.

LRB093 19722 AMC 45463 b

FISCAL NOTE ACT
MAY APPLY

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.

30 (a) As used in this Section, "work activity" means any
31 workfare, earnfare, pay after performance, work off the grant,
32 work experience, community service, on-the-job-training,
33 transitional jobs, or other activity under Section 9A-9 or any
34 other Section of this Code in which a recipient of public
35 assistance performs work as a condition of receiving the public

1 assistance and the recipient is not paid wages for the work or
2 as any grant diversion, wage supplementation, or similar
3 program in which the public assistance grant is provided to the
4 employer as a subsidy for the wages of any recipient in its
5 workforce.

6 (b) The State or federal minimum wage, whichever is higher,
7 shall be used to calculate the number of hours of participation
8 required in any work activity, the wage subsidy paid to any
9 employer who hires a recipient of public assistance, and the
10 wage paid to the recipient of public assistance.

11 (305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)

12 Sec. 12-4.4. Administration of federally-aided programs.
13 Direct County Departments of Public Aid in the administration
14 of the federally funded food stamp program, programs to aid
15 refugees and Articles III, IV, and V of this Code.

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

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

11 The Earnfare Program shall contain the following elements:

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

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

1 assistance, whichever is higher, for each additional hour
2 of performance in Earnfare activity.

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

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

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

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

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

35 (8) Earnfare participants shall not displace or
36 substitute for regular, full time or part time employees,

1 regardless of whether or not the employee is currently
2 working, on a leave of absence or in a position or similar
3 position where a layoff has taken place or the employer has
4 terminated the employment of any regular employee or
5 otherwise reduced its workforce with the effect of filling
6 the vacancy so created with a participant subsidized under
7 this program, or is or has been involved in a labor dispute
8 between a labor organization and the sponsor.

9 (9) Persons who fail to cooperate with the FSE&T
10 program shall become ineligible for food stamp assistance
11 according to Food Stamp regulations, and for Earnfare
12 participation. Failure to participate in Earnfare for all
13 of the hours assigned is not a failure to cooperate unless
14 so established by the employer pursuant to Department of
15 Human Services rules. If a person who is ordered by a court
16 of competent jurisdiction to participate in the Earnfare
17 Program fails to cooperate with the Program, the person
18 shall be referred to the court for failure to comply with
19 the court order.

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

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