

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 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
23 the program as are necessary to achieve his employability
24 plan as specified in the plan.

25 (b) The Illinois Department, in operating the program,
26 shall cooperate with public and private education and
27 vocational training or retraining agencies or facilities, the
28 Illinois State Board of Education, the Illinois Community
29 College Board, the Departments of Employment Security and
30 Commerce and Community Affairs or other sponsoring
31 organizations funded under the federal Workforce Investment

1 Job--Training--Partnership Act and other public or licensed
2 private employment agencies.

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

4 (305 ILCS 5/9A-5) (from Ch. 23, par. 9A-5)

5 Sec. 9A-5. Exempt recipients.

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

8 (b) Services will be offered to exempt and non-exempt
9 individuals who wish to volunteer to participate only to the
10 extent resources permit.

11 (c) Exempt and non-exempt individuals who volunteer to
12 participate become program participants upon completion of
13 the initial assessment, development of the employability
14 plan, and assignment to a component. An exempt individual who
15 volunteers to participate may not be sanctioned for not
16 meeting program requirements. ~~Volunteers who fail to attend~~
17 ~~the orientation or initial assessment meetings or both will~~
18 ~~not be sanctioned.~~ ~~Exempt and non-exempt individuals who~~
19 ~~attend the orientation meeting and become program~~
20 ~~participants by completing the initial assessment,~~
21 ~~development of the employability plan, and assignment to a~~
22 ~~component may be sanctioned if they do not meet program~~
23 ~~requirements without good cause.~~

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

25 (305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

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

27 The Department shall establish by rule what constitutes
28 good cause for failure to participate in education, training
29 and employment programs, failure to accept suitable
30 employment or terminating employment or reducing earnings.

31 The Department shall establish, by rule, a pre-sanction
32 process to assist in resolving disputes over proposed

1 sanctions and in determining if good cause exists. Good cause
2 shall include, but not be limited to:

3 (1) temporary illness for its duration;

4 (2) court required appearance or temporary
5 incarceration;

6 (3) (blank);

7 (4) death in the family;

8 (5) (blank);

9 (6) (blank);

10 (7) (blank);

11 (8) (blank);

12 (9) extreme inclement weather;

13 (10) (blank);

14 (11) lack of any support service even though the
15 necessary service is not specifically provided under the
16 Department program, to the extent the lack of the needed
17 service presents a significant barrier to participation;

18 (12) if an individual is engaged in employment or
19 training or both that is consistent with the employment
20 related goals of the program, if such employment and
21 training is later approved by Department staff;

22 (13) (blank);

23 (14) failure of Department staff to correctly
24 forward the information to other Department staff;

25 (15) failure of the participant to cooperate
26 because of attendance at a test or a mandatory class or
27 function at an educational program (including college),
28 when an education or training program is officially
29 approved by the Department;

30 (16) failure of the participant due to his or her
31 illiteracy;

32 (17) failure of the participant because it is
33 determined that he or she should be in a different
34 activity;

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

16 (19) (blank);

17 (20) non-comprehension of English, either written
 18 or oral or both;

19 (21) (blank);

20 (22) (blank);

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

25 (24) failure to participate in an activity due to a
 26 scheduled job interview, medical appointment for the
 27 participant or a household member, or school appointment;

28 (25) the individual is homeless. Homeless
 29 individuals (including the family) have no current
 30 residence and no expectation of acquiring one in the next
 31 30 days. This includes individuals residing in overnight
 32 and transitional (temporary) shelters. This does not
 33 include individuals who are sharing a residence with
 34 friends or relatives on a continuing basis;

1 (26) circumstances beyond the control of the
2 participant which prevent the participant from completing
3 program requirements; or

4 (27) (blank).

5 (b) (Blank).

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

17 (2) A participant may request reconciliation and
18 receive notice in writing of a meeting. At least one
19 face-to-face meeting may be scheduled to resolve
20 misunderstandings or disagreements related to program
21 participation and situations which may lead to a
22 potential sanction. The meeting will address the
23 underlying reason for the dispute and plan a resolution
24 to enable the individual to participate in TANF
25 employment and work activity requirements.

26 (2.5) If the individual fails to appear at the
27 reconciliation meeting without good cause, the
28 reconciliation is unsuccessful and a sanction shall be
29 imposed.

30 (3) The reconciliation process shall continue after
31 it is determined that the individual did not have good
32 cause for non-cooperation. Any necessary demonstration
33 of cooperation on the part of the participant will be
34 part of the reconciliation process. Failure to

1 demonstrate cooperation will result in immediate
2 sanction.

3 (4) For the first instance of non-cooperation, if
4 the client reaches agreement to cooperate, the client
5 shall be allowed 30 days to demonstrate cooperation
6 before any sanction activity may be imposed. In any
7 subsequent instances of non-cooperation, the client shall
8 be provided the opportunity to show good cause or remedy
9 the situation by immediately complying with the
10 requirement.

11 (5) The Department shall document in the case
12 record the proceedings of the reconciliation and provide
13 the client in writing with a reconciliation agreement.

14 (6) If reconciliation resolves the dispute, no
15 sanction shall be imposed. If the client fails to comply
16 with the reconciliation agreement, the Department shall
17 then immediately impose the original sanction. If the
18 dispute cannot be resolved during reconciliation, a
19 sanction shall not be imposed until the reconciliation
20 process is complete.

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

22 (305 ILCS 5/9A-8) (from Ch. 23, par. 9A-8)
23 Sec. 9A-8. Operation of Program.

24 (a) At the time of application or redetermination of
25 eligibility under Article IV, as determined by rule, the
26 Illinois Department shall provide information in writing and
27 orally regarding the education, training and employment
28 program to all applicants and recipients. The information
29 required shall be established by rule and shall include, but
30 need not be limited to:

31 (1) education (including literacy training),
32 employment and training opportunities available, the
33 criteria for approval of those opportunities, and the

1 right to request changes in the personal responsibility
2 and services plan to include those opportunities;

3 (1.1) a complete list of all activities that are
4 approvable activities, and the circumstances under which
5 they are approvable, including work activities, substance
6 abuse or mental health treatment, activities to escape
7 and prevent domestic violence, caring for a medically
8 impaired family member, and any other approvable
9 activities, together with the right to and procedures for
10 amending the responsibility and services plan to include
11 these activities;

12 (1.2) the rules concerning the lifetime limit on
13 eligibility, including the current status of the
14 applicant or recipient in terms of the months of
15 remaining eligibility, the criteria under which a month
16 will not count towards the lifetime limit, and the
17 criteria under which a recipient may receive benefits
18 beyond the end of the lifetime limit;

19 (2) supportive services including child care and
20 the rules regarding eligibility for and access to the
21 child care assistance program, transportation, initial
22 expenses of employment, job retention, books and fees,
23 and any other supportive services;

24 (3) the obligation of the Department to provide
25 supportive services;

26 (4) the rights and responsibilities of
27 participants, including exemption, sanction,
28 reconciliation, and good cause criteria and procedures,
29 termination for non-cooperation and reinstatement rules
30 and procedures, and appeal and grievance procedures; and

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

32 (b) The Illinois Department shall notify the recipient
33 in writing of the opportunity to volunteer to participate in
34 the program.

1 (c) (Blank).

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

34 (e) Recipients determined to be exempt may volunteer to

1 participate pursuant to Section 9A-4 and must be assessed.

2 (f) As part of the personal plan for achieving
3 employment and self-sufficiency under Section 4-1, an
4 employability plan for recipients shall be developed in
5 consultation with the participant. The Department shall have
6 final responsibility for approving the employability plan.
7 The employability plan shall:

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

9 (2) describe the services to be provided by the
10 Department, including child care and other support
11 services;

12 (3) describe the activities, such as component
13 assignment, that will be undertaken by the participant to
14 achieve the employment goal; and

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

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

18 (1) available program resources;

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

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

21 (4) local employment opportunities; and

22 (5) the preferences of the participant.

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

26 (1) upon completion of an activity and before
27 assignment to an activity;

28 (2) upon the request of the participant;

29 (3) if the individual is not cooperating with the
30 requirements of the program; and

31 (4) if the individual has failed to make
32 satisfactory progress in an education or training
33 program.

34 Based on the reassessment, the Department may revise the

1 employability plan of the participant.

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

3 (305 ILCS 5/9A-9) (from Ch. 23, par. 9A-9)

4 Sec. 9A-9. Program Activities. The Department shall
5 establish education, training and placement activities by
6 rule. Not all of the same activities need be provided in
7 each county in the State. Such activities may include the
8 following:

9 (a) Education (Below post secondary). In the Education
10 (below post secondary) activity, the individual receives
11 information, referral, counseling services and support
12 services to increase the individual's employment potential.
13 Participants may be referred to testing, counseling and
14 education resources. Educational activities will include
15 basic and remedial education; English proficiency classes;
16 high school or its equivalency (e.g., GED) or alternative
17 education at the secondary level; and with any educational
18 program, structured study time to enhance successful
19 participation. An individual's participation in an education
20 program such as literacy, basic adult education, high school
21 equivalency (GED), or a remedial program shall be limited to
22 2 years unless the individual also is working or
23 participating in a work activity approved by the Illinois
24 Department as defined by rule; this requirement does not
25 apply, however, to students enrolled in high school.

26 (b) Job Skills Training (Vocational). Job Skills
27 Training is designed to increase the individual's ability to
28 obtain and maintain employment. Job Skills Training
29 activities will include vocational skill classes designed to
30 increase a participant's ability to obtain and maintain
31 employment. Job Skills Training may include certificate
32 programs.

33 (c) Job Readiness. The job readiness activity is

1 designed to enhance the quality of the individual's level of
2 participation in the world of work while learning the
3 necessary essentials to obtain and maintain employment. This
4 activity helps individuals gain the necessary job finding
5 skills to help them find and retain employment that will lead
6 to economic independence.

7 (d) Job Search. Job Search may be conducted
8 individually or in groups. Job Search includes the provision
9 of counseling, job seeking skills training and information
10 dissemination. Group job search may include training in a
11 group session. Assignment exclusively to job search cannot
12 be in excess of 8 consecutive weeks (or its equivalent) in
13 any period of 12 consecutive months.

14 (e) Work Experience. Work Experience assignments may be
15 with private employers or not-for-profit or public agencies
16 in the State. The Illinois Department shall provide workers'
17 compensation coverage. Participants who are not members of a
18 2-parent assistance unit may not be assigned more hours than
19 their cash grant amount plus food stamps divided by the
20 minimum wage. Private employers and not-for-profit and
21 public agencies shall not use Work Experience participants to
22 displace regular employees. Participants in Work Experience
23 may perform work in the public interest (which otherwise
24 meets the requirements of this Section) for a federal office
25 or agency with its consent, and notwithstanding the
26 provisions of 31 U.S.C. 1342, or any other provision of law,
27 such agency may accept such services, but participants shall
28 not be considered federal employees for any purpose. A
29 participant shall be reassessed at the end of assignment to
30 Work Experience. The participant may be reassigned to Work
31 Experience or assigned to another activity, based on the
32 reassessment.

33 (f) On the Job Training. In On the Job Training, a
34 participant is hired by a private or public employer and

1 while engaged in productive work receives training that
2 provides knowledge or skills essential to full and adequate
3 performance of the job.

4 (g) Work Supplementation. In work supplementation, the
5 Department pays a wage subsidy to an employer who hires a
6 participant. The cash grant which a participant would
7 receive if not employed is diverted and the diverted cash
8 grant is used to pay the wage subsidy.

9 (h) Post Secondary Education. Post secondary education
10 must be administered by an educational institution accredited
11 under requirements of State law. ~~The Illinois Department may~~
12 ~~not approve an individual's participation in any~~
13 ~~post-secondary education program, other than full-time,~~
14 ~~short-term vocational training for a specific job, unless the~~
15 ~~individual also is employed part-time, as defined by the~~
16 ~~Illinois Department by rule.~~

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

26 (j) Job Development and Placement. Department staff
27 shall develop through contacts with public and private
28 employers unsubsidized job openings for participants. Job
29 interviews will be secured for clients by the marketing of
30 participants for specific job openings. Job ready
31 individuals may be assigned to Job Development and Placement.

32 (k) Job Retention. The job retention component is
33 designed to assist participants in retaining employment.
34 Initial employment expenses and job retention services are

1 provided. The individual's support service needs are
2 assessed and the individual receives counseling regarding job
3 retention skills.

4 (l) (Blank).

5 (l-5) Transitional Jobs. These programs provide
6 temporary wage-paying work combined with case management and
7 other social services designed to address employment
8 barriers. The wage-paying work is treated as regular
9 employment for all purposes under this Code, and the
10 additional activities, as determined by the Transitional Jobs
11 provider, shall be countable work activities. The program
12 must comply with the anti-displacement provisions of this
13 Code governing the Work Experience program.

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

19 (n) Community Service. Community service includes
20 unpaid work that the client performs in his or her community,
21 such as for a school, church, government agency, or nonprofit
22 organization. A-partieicipant-whose-youngest-child-is-13-years
23 of-age-or-older-may-be-required-to-perform-at-least-20--hours
24 of--community--service-per-week-as-a-condition-of-eligibility
25 for-aid-under-Artiele-IV.--The-Illinois-Department-shall-give
26 priority-to-community-service-placements-in--public--schools,
27 where--partieicipants-can-serve-as-hall-and-lunchroom-monitors,
28 assist-teachers,-and-perform-other-appropriate-services-

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

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