

Legislative Update: Public Benefits and Employment

The following nine bills related to employment and public benefits passed both houses of the Illinois General Assembly before the end of the regular legislative session. Gov. Pat Quinn is in the process of deciding whether he will sign these bills or veto them.

Public Benefits

House Bill 745 amends the Illinois Public Aid Code to create a “No Wrong Door” policy for public benefits applicants by allowing initial applications for food stamps and medical and/or TANF cash assistance to be submitted to any Illinois Department of Human Services (IDHS) local office. Once applicants are determined eligible for assistance, they may choose which IDHS local office they would like their case to be housed and managed for reasons of convenience, including access to reliable transportation and their place of employment, child care location, or a related service need that they see on a regular basis. IDHS must comply with the request for transfer within five business days. H.B. 745 provides that, in food stamp cases in which an applicant or recipient reports earned income, employment will be presumed and the required face-to-face interviews for food stamps will be automatically waived, based on the presumption that scheduling an in-person meeting is a hardship on employed clients.

House Bill 818 amends the Public Aid Code to establish that the Medicaid eligibility of employed persons with disabilities also applies—subject to federal approval—to employed persons who have a medically improved disability and are eligible for Medicaid under the Social Security Act. Governor Quinn signed H.B. 818 into law, Public Act no. 96-0181, on August 10.

House Bill 2383 amends the Public Aid Code to improve low-income Illinoisans’ access to the Temporary Assistance for Needy Families (TANF) Program—a cash assistance program for families with dependent children and for pregnant women, whether or not they have other children. H.B. 2383 stresses that caseloads may increase during times of severe economic downturn and establishes that IDHS policy is to provide TANF to all qualified individuals who seek assistance and to conduct outreach efforts to educate the public about the program. Under H.B. 2383, all families living in “deep poverty” (below 50 percent of the federal poverty level (FPL); \$9,156 a year for a family of three) will be financially eligible for TANF. This legislation also allows working families to continue to receive limited cash assistance until their earnings lift them over the FPL. Applicants found eligible for TANF will receive benefits as of the date of application, and IDHS must provide the financial aid no more than 30 days after the date of application. H.B. 2383 also protects survivors of sexual assault and stalking by extending to them the same protections that domestic violence survivors have under TANF and the Crisis Assistance Program. Crisis Assistance is provided to TANF applicants and recipients who are experiencing financial hardship due to a natural disaster, homelessness, documented theft, or domestic violence.

On August 11, Governor Quinn, through an amendatory veto, changed the effective date of H.B. 2383 to July 1, 2010, or sooner if appropriations allow. During the fall veto session, a majority of each chamber will have to concur with this amendatory veto or the bill will die. Look for a future action alert on H.B. 2383 from the Shriver Center to hear how you can support these crucial TANF improvements.

Senate Bill 1544 amends the Department of Human Services Act and the State Finance Act to create the Hunger Relief Fund within the state treasury. The fund will make appropriations to IDHS, which will then

make grants to food banks for the purchase of food and related supplies. S.B. 1544 also amends the Illinois Income Tax Act to create a tax checkoff for the Hunger Relief Fund on the standard individual state income tax form.

Employment

House Bill 3634 amends the Equal Pay Act of 2003 to establish that an employee or former employee may file with the Illinois Department of Labor (IDOL) a complaint alleging a violation of the Act by submitting a signed complaint form within one year from the date of the underpayment (defined as each time wages are underpaid). Employers subject to the Act (private employers with four or more employees in Illinois and all state and local government agencies and school districts) must preserve records that document the name, address, and occupation of each employee, as well as the wages paid to each employee for no less than five years instead of the current law's requirement of three years. If the records relate to an ongoing investigation or enforcement action, they must be maintained until IDOL or a court order authorizes their destruction. Pursuant to orders from IDOL, employers must make reports from these records to IDOL. H.B. 3634 further provides that a legal action to collect a wage claim must be brought within five years from the date of the underpayment instead of the current law's rule that a claim must be made within three years from the date the employee learned of the underpayment.

The General Assembly passed a number of bills that will create task forces related to employment. **House Bill 655** creates the Employment and Economic Opportunity for Persons with Disabilities Task Force which will be charged with determining what changes are needed to remove barriers to competitive employment for persons with disabilities. **House Joint Resolution 26** creates a task force to examine job development and workforce investment in Illinois. **House Joint Resolution 40** establishes the Illinois Task Force on Workplace Bullying, which will analyze the prevalence and impact of workplace bullying within the private sector. **House Resolution 343** urges the governor to create a Commission on the Status of Women which would address Illinois women's position with regard to attaining economic independence, lifelong equality, health care, safety, and career development opportunities.

To read the full text of these bills or see a list of their sponsors, go to the Illinois General Assembly's website, www.ilga.gov, and search for the legislation by bill number.

For more information, contact Wendy Pollack, director, Women's Law and Policy Project, Shriver Center, at 312.263.3830 ext. 238 or wendypollack@povertylaw.org.

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