



HUMAN SERVICES  
DEPARTMENT


Michelle Lujan- Grisham, Governor  
David R. Scrase, M.D. Secretary  
Karmela Martinez, Acting ISD Director

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## General Information Memorandum

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### ISD-GI 19-34

**TO:** ISD Employees & SL Start Employees  
**FROM:**  Karmela Martinez, Acting ISD Director  
**RE:** New Mexico Works Non-Compliance  
**DATE:** July 1, 2019

This memorandum provides guidance to ISD and SL Start in regards to participants who are not complying with the New Mexico Works Program (NMW) as outlined in New Mexico Administrative Code 8.102.460 and 8.102.620.10. This guide ensures that the timelines for imposing noncompliance are met and that the correct noncompliance notices are being issued to the participants. This GI rescinds GI 15-74: New Mexico Works Noncompliance Reasons.

### ISD FAA Responsibilities

At initial application and recertification interview, inform the customer of the NMW compliance requirements:

- Within 15 days from approval of the application, the following will be completed:
  - NMW Assessment
  - Individual Responsibility Plan (IRP)
  - Work Participation Agreement (WPA)
- The number of hours the household is responsible to complete for the NMW program based on a single parent or two-parent household.
- The noncompliance sanctions for failure to comply with the NMW requirement.
- Ensure a referral task has been sent to NMW program at initial application and recertification.

Note: Please refer to the **Important Benefit Information** for TANF

### *At each contact with a TANF customer:*

- Review the sanction screen and case comments to make sure they are in compliance with NMW program.
  - If they are not complying, they must be referred to NMW.
- Remind and review with the customer the importance of complying with the NMW requirements.

## **NMW Provider Responsibilities**

NMW is responsible to:

- See walk-ins the same day of approval of TANF benefits.
- Schedule an appointment within 7 business days of approval of TANF benefits.
- Ensure contact is made with the customer within 15 days of approval to complete the Assessment, IRP, and WPA. On day 16, a noncompliance alert will be issued to ISD.
- Inform the customer of their responsibilities for complying with NMW requirements and the result for failing to comply with NMW program.
- Call the customer when a noncompliance has been determined, and prior to noncompliance process.
  - NMW provider will attempt a minimum of one (1) phone call.
  - If contact with the customer is unsuccessful, a Notice to Client will be mailed to the customer.
  - NMW provider will document all attempts in case comments.
- No later than three (3) business days from the date of discovery of the noncompliance, NMW will send an alert to the ISD TANF Liaison.
- Ensure that ISD has initiated the noncompliance, if ISD has not completed the noncompliance review, send a follow up email to the TANF liaison and copy the County Director/Supervisor of the TANF Liaison.
- All contacts, unsuccessful contacts, and any other interaction with the customer must be documented in case comments.

## **TANF Liaison Responsibilities**

- Work the noncompliance alert received by NMW within 5 days from receipt. All noncompliances requested prior to the last day to make changes should be completed by the last day to make changes.
- Review the noncompliance request. The review of noncompliance will include correct sanction level and the reason for the noncompliance.
- Take action to act upon the noncompliance or deny the noncompliance request.
  - If the noncompliance request is denied, the TANF Liaison must inform NMW provider by email that the noncompliance is denied and the reason why it is denied.
- Review HSD 1240: Notice of Noncompliance:
  - Check the sanction reason
  - Check the sanction level
  - Check the sanction timeframes
  - Check the sanction benefit amount
- If the notice is not accurate, recheck the data in ASPEN to correct any discrepancies. Recheck the notice to see if the information is correct. If the notice is not accurate at this point, suppress the HSD 1240 and create a Help Desk Ticket. Generate a manual FAP 282: Notice That You Did Not Follow NMW and Child Support Enforcement Rules.
  - The FAP 282 will be generated from the forms drive and the following information will need to be entered: (See Screenshot on the next page)

- The correct sanction reason-remember a noncompliance can only be for one reason
- The correct sanction level
- The correct sanction timeframes
- The correct sanction benefit amount
- Ensure that all actions are documented in case comments.

If you have any questions regarding this GI, please contact Patricia Lucero at 505-827-7780 or [PatriciaR.Lucero2@state.nm.us](mailto:PatriciaR.Lucero2@state.nm.us).

Attachment: FAP 282 Notice That You Did Not Follow NMW and Child Support Enforcement Rules



**NOTICE THAT YOU DID NOT FOLLOW  
NMW AND CHILD SUPPORT ENFORCEMENT RULES  
INCOME SUPPORT DIVISION**

Case Number	Case Name	Date of Notice
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TO:

has not followed the rules of the TANF program. All adults and teen parents with TANF must meet the NMW Program and must work with Child Support Enforcement Division. If you do not follow TANF rules, the TANF money will be less or stop (8.102.460.9 NMAC and 8.102.420.14 NMAC). If the TANF closes, no one in the family can get TANF for six (6) months.

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| <input type="checkbox"/> You did not do an Assessment.<br><b>RULE: 8.102.460.11 NMAC</b><br><br><input type="checkbox"/> You did not do an Individual Responsibility Plan (IRP).<br><b>RULE: 8.102.460.12 NMAC</b><br><br><input type="checkbox"/> You did not do a Work Participation Agreement (WPA).<br><b>RULE: 8.102.460.13 NMAC</b><br><br><input type="checkbox"/> You gave the Department a WPA. The Department did not approved the activity.<br><b>RULE: 8.102.460.13 NMAC</b> | <input type="checkbox"/> We did not get your Time Sheet on time.<br><b>RULE: 8.102.460.9 NMAC</b><br><br><input type="checkbox"/> You had too few work hours. The Attendance Report did not have as many work hours as you need on your WPA.<br><b>RULE: 8.102.620.10 NMAC</b><br><br><input type="checkbox"/> You did not comply with Child Support Enforcement Division (CSED)<br><b>RULE: 8.102.420.14 NMAC</b> |
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**CONCILIATION APPLIES.** You will get one chance to fix the rules you did not follow. You will get ten (10) work days to call or meet with the Department. If you do this by the date below, you will get 30 Calendar Days from the date of this notice to follow the rules. If you do not follow the rules, you may lose TANF money.  
**RULE: 8.102.620.10 NMAC.**

- CHILD SUPPORT:** Conciliation Response due by . You must act by:
- NMW PROGRAM:** Conciliation Response due by . You must act by:

- CONCILIATION DOES NOT APPLY.** Conciliation was on these dates:  
**Rule: 8.102.620.10 NMAC**
- CHILD SUPPORT**  **NMW PROGRAM**

You may be able to get help to follow the rules. You must act by  (13 days from the date of this Notice). If you do not act in the 13 day time period, your household TANF will go from \$  to \$  on . This is because of both individual and other household sanctions. The sanction tables on the next page show your individual and household sanctions.

**\*\*NOTE\*\*** Someone who is sanctioned for too few hours cannot fix sanction during this time period. To fix this sanction, you must have enough work hours for at least 30 days. (RULE: 8.102.620.10 (C) (3) NMAC).

FAP 282 revised 7/3/2017

Individual Sanction	Household Sanctions
<p>If you do not follow TANF rules, you will get a sanction. A sanction will change the TANF money you and your household gets. There are three sanction levels for CSED. There are three sanction levels for NMW. You got this sanction level for not following TANF rules.</p> <p><input type="checkbox"/> Child Support Level 1 <b>RULE: 8.102.620.10 D(1)(a) NMAC: 25% Less</b></p> <p><input type="checkbox"/> Child Support Level 2 <b>RULE: 8.102.620.10 D(2)(a) NMAC: 50% Less</b></p> <p><input type="checkbox"/> Child Support Level 3 <b>RULE: 8.102.620.10 D(3)(a) NMAC: Case Closed for six months</b></p> <p><input type="checkbox"/> NMW Level 1 <b>RULE: 8.102.620.10 D(1)(a) NMAC: 25% Less</b></p> <p><input type="checkbox"/> NMW Level 2 <b>RULE: 8.102.620.10 D(2)(a) NMAC: 50% Less</b></p> <p><input type="checkbox"/> NMW Level 3 <b>RULE: 8.102.620.10 D(3)(a) NMAC: Case Closed for six months</b></p>	<p>The individual sanction on this notice will add to any other sanction already on your TANF help.</p> <p><input type="checkbox"/> 1<sup>st</sup> Level sanction: help is 25% less <b>RULE: 8.102.620.10 D(1)(a) NMAC</b></p> <p><input type="checkbox"/> 2<sup>nd</sup> Level sanction: help is 50% less <b>RULE: 8.102.620.10 D(2)(a) NMAC</b></p> <p><input type="checkbox"/> 3<sup>rd</sup> Level sanction: case closed for 6 months <b>RULE: 8.102.620.10 D(3)(a) NMAC</b></p>