
General Information Memorandum

ISD-GI 15-74

TO: ISD Employees & SL Start Employees
FROM: *MM* Marilyn Martinez, Director, Income Support Division
RE: New Mexico Works Noncompliance Reasons
DATE: March 10, 2016

This memorandum will serve as guidance to ISD and SL Start in regards to participants who are not complying with the New Mexico Works Program. This will ensure that the correct Non-Compliance Notices are being issued to the participants.

During the interview process, a participant is informed that they must complete the New Mexico Works requirement of completing an Assessment, IRP, and WPA within 15 days of approval. On the 16th day, if the participant has not complied with these three (3) elements, a noncompliance notice will be initiated by SL Start based on the correct element. Since all three elements have a 15 day timeframe; the Noncompliance Notice (HSD 1240 Notice of Noncompliance) needs to be issued based on which of the 3 elements was not completed.

- Element 1: Assessment- This is the precursor to the IRP and WPA
- Element 2: IRP- Precursor to the WPA
- Element 3: WPA

In a situation when all 3 elements have not been completed, the noncompliance will be issued for failure to complete assessment. Once the participant is reengaged and has completed the assessment, a compliance request will be sent to ISD office. If the participant still has not completed the IRP or WPA, then a noncompliance will be requested for no IRP. The noncompliance will be requested at the next sanction level, if the Notice of Adverse Action (NOAA) has not expired. In the case of SL Start, while they have reengaged the participant all three elements should be completed at the same time.

A participant in the New Mexico Works program can receive a noncompliance for the following reasons:

REASON (Function in ASPEN)	When to Select In ASPEN	EXAMPLE	How to Correct Non Compliance
Failed to Complete Assessment	Assessment has not been completed within the 15 day time frame.	Jane hasn't come into complete her Assessment, IRP, and WPA. Jane will be sanctioned on: Failed to Complete Assessment.	Complete Assessment
Failed to Complete Individual Responsibility Plan (IRP)	IRP has not been completed within the 15 days or has not been updated within the 6 month timeframe.	Jane came into meet with SL Start and only was able to complete her Assessment, she is passed the 15 days to complete IRP. Jane will be sanctioned on: Failed to Complete IRP.	Complete IRP
Failed to Complete Work Participation Agreement (WPA)	WPA has not been created within 15 days.	Jane came into meet with SL Start and created her Assessment and IRP, but didn't have time to stay to complete her WPA, she is passed the 15 days to complete WPA. Jane will be sanctioned on: Failed To Complete WPA.	Complete WPA
Failed to Complete WPA	WPA expired	Jane WPA was started on June 1, 2015 and ended on June 30, 2015, and was scheduled to update her WPA on June 26, 2015, and failed to show to her appointment. On July 1, 2015, a new WPA has not been created. Jane will be sanctioned on Failed to Complete WPA	Complete an Updated WPA

Failed to Complete WPA	Failed to complete hours or activity outlined in the WPA	Jane has a WPA created for Job Search, dated June 1, 2015 to June 30, 2015. The WPA indicates that Jane will make daily contact with her worker at SL Start. Jane didn't make daily contact per the WPA. SL Start will attempt to make contact with Jane within 3 days. IF the attempts are unsuccessful, Jane will be sanctioned on Failed to Complete WPA.	Complete hours outlined in WPA, if hours are not completed, sanction will remain for 30 days to become compliant.
Failed to Meet Hours	Failed to meet hours outlined in WPA	Jane turned in her time sheet on July 3, 2015. Jane was supposed to complete 86 hours. Jane turned in a timesheet for 23 hours. Jane didn't have a good cause. Jane will be sanctioned on: Failed to Meet Hours	Sanction will remain for 30 days and must submit hours for the following month meeting the WPA.
Failed to Submit Timesheet	No Timesheet has been submitted	Jane didn't turn in a timesheet for June 2015. SL Start will attempt to contact Jane to inform her that she has not turned in her timesheet. If attempts were unsuccessful, Jane will be sanctioned on: Failed to Submit Timesheet	Turn in Timesheet
WPA Denied	Activity is denied	Jane submitted a WPA to do EWP and ISD denied the activity, because Jane doesn't have a HS Diploma or High School Equivalency Diploma. Jane will be sanctioned on: WPA Denied	Create a New WPA
Other Reason	N/A	SHOULD NOT BE USED	N/A

During the creation of a WPA, SL Start must ensure that the activity is outlined in the agreement. This will ensure that the participant has been informed of how many hours they will complete, where they will complete the hours, when the activity will end, and the responsibility of the participant. For those activities that are outlined that the participant must make daily contact and daily contact has not been done, SL Start will

make attempts to contact the participant prior to beginning the noncompliance request and make a determination to see if good cause exists. For any reason attempts are unsuccessful, a noncompliance will be issued to the participant for failure to complete WPA.

A WPA should not be ended during anytime that a participant fails to complete hours as dictated in the WPA. Since the activities are outlined and hours are listed on the WPA, the participant must meet the NMW participation hours. A participant will need to show compliance for 30 days (meeting participation hours) before noncompliance should be lifted.

Within 3 days of the occurrence, SL Start will report to ISD that a noncompliance has occurred. ISD will review the noncompliance request and make a determination to act upon the request or deny the request. Once, ISD has made the determination the Notice of Noncompliance will be mailed. ISD will review the HSD 1240 and ensure the information is correct before sending the notice to the participant. If for any reason the notice is not correct, ISD will issue a manual FAP 282 Notice of Failure to Comply with TANF, and create a Help Desk ticket.

ISD and SL Start will also ensure that all information is documented in case comments.

If you have any questions regarding this GI, please contact Suzanne Duran-Vigil at 505-827-7289 or SuzanneP.Duran-Vigi@state.nm.us