



TANF QUESTIONS & ANSWERS

NM Works Activities and Sanctions

Temporary Assistance for Needy Families (TANF), also known as NM Works, provides cash assistance for basic necessities to very low income families with children. If you are an adult getting TANF, you must do activities in the NM Works program or the Income Support Division (ISD) will lower or stop your household's assistance. This handout has information about your rights in NM Works and what to do if you are sanctioned.

What are the TANF Requirements?

Adults who are approved for TANF must do the following:

1. Within 15 days of being approved for TANF, Adults must meet with an NM Works worker to complete:
 - A work assessment to determine your skills, past work experience, and to identify any barriers to employment you have;ⁱ
 - An Individual Responsibility Plan (IRP), which lists your employment and/or educational goals for the next six months; andⁱⁱ
 - A Work Participation Agreement (WPA), which lists the number of hours and activities you must do each month, and the support services you need to do them.ⁱⁱⁱ
2. Turn in a time sheet on the 1st day of each month showing you did the work activities on your WPA.^{iv}
3. Meet with SL Start to do a new WPA before the current WPA expires.^v



SL Start must provide help with transportation and child care so you can do your monthly work activities.^{vi}

What are the standard work requirements?

Adults must complete a minimum number of work hours in core and non-core activities each month, depending on your circumstances.^{vii} The standard work participation rates are:

- Single parent with a child under 6 = 86 hours per month (all core activities)
- Single parent with a child over 6 or older = 129 hours per month (86 hours core activities)
- Two parents getting child care from CYFD = 237 hours per month (215 hours core activities)
- Two parents not getting child care from CYFD = 151 hours per month (129 hours core activities)

Core Activities		Non-core activities
<ul style="list-style-type: none"> • employment • on-the-job training • job search and job search readiness activities 	<ul style="list-style-type: none"> • unpaid work experience • community service • child care for other TANF participants doing work activities 	<ul style="list-style-type: none"> • job skills training • education for employment • GED or high school classes (participants 18-20 years old)



924 Park Ave SW, #C
Albuquerque, NM 87102
Ph. 505-255-2840
www.nmpoertylaw.org



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Can I do different or less work hours?

Some people can do different or less work activities because of their circumstances. This is called “Limited Work Participation Status.”^{viii} People in the following circumstances qualify for limited work participation:

- A single parent, caring for a child under 1 year;
- Age 60+;
- Pregnant in third trimester;
- A single parent caring for a sick/disabled child;
- Temporarily or permanently disabled;
- Caring for a disabled household member;
- Victim of domestic violence; or
- Other good cause reason.

How do I request different or less work hours?

You can ask SL Start for limited work participation at any time while you receive TANF, but it’s best to request it during your work assessment. You may be required to turn in documents to prove you qualify for different or less work activities. Once you request limited work participation status, SL Start must do the following:

- **Tell you in writing** what kind of documents you need to turn in;^{ix}
- Help you get the documents you need if you are not able to get them;^x
- Assign you limited work participation hours and activities while they decide if you qualify for limited work participation;^{xi}
- Within 30 days of the request, SL Start must tell you in writing whether your request is approved or denied.^{xii}

What types of activities can I do on limited work participation?

If you qualify for limited work participation, SL Start must assign activities that are *specific to your conditions and circumstances* and that will help you address barriers to improving your family’s income. Such activities can include:

- medical appointments;
- substance abuse services;
- mental health services;
- domestic violence services;
- pursuit of disability benefits; or
- vocational rehabilitation.^{xiii}

How many hours do I have to do if I have limited work participation?

The number of hours you are assigned must be based on your circumstances. There is no set minimum. In rare circumstances, 0 hours can be assigned.^{xiv}

What is the penalty for not doing work activities?

If you don’t do the activities on your WPA, ISD will reduce or stop your benefits by sanctioning you.^{xv} There are three levels of sanctions:

- 1st act of non-compliance = 25% reduction in household benefits for 3 months
- 2nd act of non-compliance = 50% reduction in household benefit
- 3rd act of non-compliance = TANF case closed for six months

Each time a participant does not comply with program requirements, ISD increases the sanction.^{xvi}



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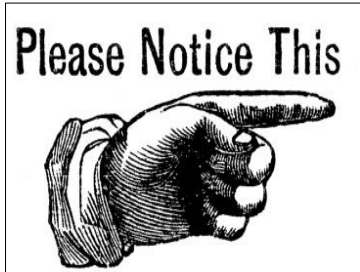
NM Works Activities and Sanctions

Are the sanctions different for two adults?

If more than one adult in the household has not completed their work activities, two sanctions will be imposed.^{xvii} For example, if two adults in a household are given a 25% reduction, the household's benefits will be reduced by 50%.

What if I was unable to do my work activities?

If you were not able to do your activity because of circumstances out of your control, such as being sick or not having transportation, you may have "good cause."^{xviii} You should tell SL Start if you think you have good cause. You may need to turn in documents. If it is the first time you did not do an NM Works activity, ISD must give you 30 days to show good cause, or to do your activity. This is called "conciliation."^{xix}



ISD must send you a written notice **BEFORE** taking a negative action in your case.

The notice must explain:

- 1) what activity you failed to do,
- 2) what you need to do to avoid a sanction
- 3) the deadline for doing it, and
- 4) how much your benefits will be reduced by a sanction.^{xx}

Can I do anything to stop a sanction before it is imposed?

Yes! Once you receive a notice from ISD that says you will be sanctioned, you can prevent the sanction by showing 1) good cause or 2) by completing your activity within 13 days of the date on your notice.^{xxi} If you think the sanction is incorrect, request a fair hearing.

How do I get a sanction removed?

ISD can reverse a decision to reduce or terminate your benefits because of a sanction after 30 days, if you show you did all your work activities and that you are complying with all other NM Works requirements.^{xxii} If you think the sanction was incorrect, you should request a fair hearing. If ISD finds that the sanction was incorrect, they will remove the sanction.

What if I don't agree with what happened in my case?

ASK FOR A FAIR HEARING! If you disagree with any action that SL Start or ISD took in your case, you can request a fair hearing to review that action.

Call (505) 476-6213 to request a hearing!



For help contact the New Mexico Center on Law and Poverty.

505-255-2840 (Ask for Sovereign or Louise)



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Citations to the Law:

- ⁱ NMAC 8.102.460.11.
- ⁱⁱ NMAC 8.102.440.12.
- ⁱⁱⁱ NMAC 8.102.460.13.
- ^{iv} NMAC 102.460.14(A)(1).
- ^v NMAC 8.102.460.13(C)(4).
- ^{vi} NMAC 8.102.620.15(A) and (B).
- ^{vii} NMAC 8.102.460.14.
- ^{viii} NMAC 8.102.420.11(A)(1) to (10).
- ^{ix} NMAC 8.102.420.11(E)(i)(b), 8.102.110.8(B)(3) and NMAC 8.100.130.8(A)(2)(d).
- ^x NMAC 8.102.110.8(B)(3) and NMAC 8.100.130.8(A)(2)(c).
- ^{xi} NMAC 8.102.460.13(D).
- ^{xii} NMAC 8.102.420.11(G).
- ^{xiii} NMAC 8.102.420.11(I) and NMSA 1978 §27-2b-5(J).
- ^{xiv} NMAC 8.102.460.15.
- ^{xv} NMAC 102.620.10(A)(1)(a).
- ^{xvi} NMAC 8.102.620.10(A)(4)(c).
- ^{xvii} NMAC 8.102.620.10(A)(3).
- ^{xviii} NMAC 8.102.620.10(G).
- ^{xix} NMAC 8.102.620.10(B).
- ^{xx} NMAC 8.100.180.10.
- ^{xxi} NMAC 8.102.620.10(C)(3).
- ^{xxii} NMAC 8.102.620.10(C)(4).