



NEW MEXICO HUMAN SERVICES DEPARTMENT

P.O. Box 2348
Santa Fe, New Mexico 87504-2348

INCOME SUPPORT DIVISION



GARY E. JOHNSON
Governor

Robin Dozier Otten
Deputy Secretary

April 6, 2000

Esther Phillips
Regional Director
Southwest Region USDA/FCS
1100 Commerce St. room 5-C-30
Dallas, Texas 75242

Subject: Request for Consideration of Waiver Extension

Dear Ms. Phillips:

The State of New Mexico Department of Human Services, Income Support Division respectfully requests consideration of a waiver extension of the Food Stamp work requirement regulations contained in Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Section 824.

This request includes waiver numbers 970135, 970136, and 970199.

The regulation requires that certain individuals comply with a 20 hour a week work requirement in order to continue to receive food stamp benefits. A state may request a waiver of the requirement for areas with an unemployment rate over 10% or where there are not sufficient jobs to provide employment for individuals required to comply with the work requirement.

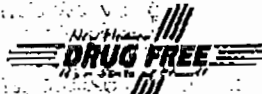
Thank you for your consideration of this waiver extension request.

If you or your staff have any questions, please do not hesitate to call me at (505) 827-7252, or Sharon Regensberg at (505) 827-7738.

Sincerely,

A handwritten signature in cursive script, reading "Patsy Barnett".

Patsy Barnett
Director
Income Support Division



WAIVER EXTENSION REQUEST

1. **WAIVER SERIAL NUMBER:** 970135
2. **TYPE OF REQUEST:** Extension
3. **PRIMARY REGULATION CITATION:** Section 6(o) of the Food Stamp Act, as amended by Title VIII of Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
4. **SECONDARY REGULATION CITATION:**
5. **STATE:** New Mexico
6. **REGION:** Southwest
7. **REGULATORY REQUIREMENTS:** Section 824 requires that certain individuals participating in the Food Stamp Program be working or participating in a work program for 20 hours a week, averaged over the month, in order to remain eligible to receive food stamp benefits.
8. **PROPOSED ALTERNATIVE PROCEDURES:** The Human Services Department requests an extension of the waiver of the work requirement found in section 824, which allows New Mexico to waive the work requirement in areas with an unemployment rate of over 10 percent as identified by the Department of Labor, Bureau of Labor Statistics (BLS).
9. **JUSTIFICATION FOR REQUEST:** The Human Services Department through the DOL-BLS has identified counties with unemployment rates of over 10 percent.

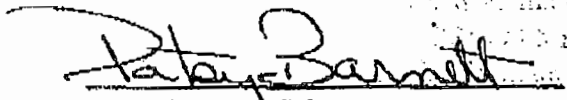
This waiver currently includes individuals residing in counties which have been identified by BLS as having an unemployment rate of over 10 percent. These counties are Luna, Mora, and Taos. This waiver extension request also includes the Jicarilla Apache in Rio Arriba County, Mescalero Apache in Otero County, Jemez Pueblo and Zia Pueblo in Sandoval County, Picuris and Taos pueblos in Taos County and Laguna Pueblo in Cibola County.

4.11% 9.4% 4.4% 11.7% 8.1%
The Cañon County unemployment rate dropped to 9.8%, Chaves to 8.4%, Cibola County dropped to 8.1%, Guadalupe to 8.3%, Rio Arriba County to 7.4% and San Miguel County, to 7.0%; therefore, they are not included in this request for a waiver extension in areas with an unemployment rate over 10 percent. However, they are included in waiver number 970136 extension request under Labor Surplus Areas. The following are counties with an unemployment rate over 10 percent, as identified from the most recent information provided by the Department of Labor, Bureau of Labor Statistics:

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<u>COUNTY</u>	<u>UNEMPLOYMENT RATES</u>
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Luna	24.0%
Mora	17.3%
Taos	11.7%

10. **ANTICIPATED IMPACT ON HOUSEHOLDS AND STATE AGENCY:** An individual identified as an ABAWD and residing in these counties will not be required to comply with a work requirement in these areas of high unemployment. The State Agency case maintenance activity will continue to be simplified with a waiver extension of the work requirement.
11. **CASELOAD INFORMATION AND QUALITY CONTROL ERROR RATE FOR AFFECTED PORTION:** The Human Services Department has identified approximately 5,000 potential ABAWDS statewide. Of that number, approximately 250 are identified in the three counties included in this waiver extension request. The average error rate for FFY 99 for these counties is 6.55%. This includes errors for all elements, not only work requirement errors.
12. **ANTICIPATED IMPLEMENTATION DATE:** The waiver is already implemented and would continue beginning April 1, 2000. Field staff will be informed of the areas affected upon approval of the extension request by FNS.
13. **PROPOSED QUALITY CONTROL (QC) PROCEDURES:** Quality Control will not apply the work requirement policy to individuals in areas approved under this waiver. Quality Control will continue to apply E & T work registration requirements to such individuals.
14. **SIGNATURE AND TITLE OF REQUESTING OFFICIAL:**

 Patsy Barnett, Director
 Income Support Division
15. **DATE OF REQUEST:**

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WAIVER EXTENSION REQUEST

1. **WAIVER SERIAL NUMBER:** 970136
2. **TYPE OF REQUEST:** Extension
3. **PRIMARY REGULATION CITATION:** Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Title VIII, Section 824
4. **SECONDARY REGULATION CITATION:**
5. **STATE:** New Mexico
6. **REGION:** Southwest
7. **REGULATORY REQUIREMENTS:** Section 824 requires that certain individuals participating in the Food Stamp Program be working or participating in a work program for 20 hours a week, averaged over the month, in order to remain eligible to receive food stamp benefits.
8. **PROPOSED ALTERNATIVE PROCEDURES:** Request extension of waiver of Section 824, which allows New Mexico to waive the work requirement in areas where there are not sufficient jobs to provide employment for individuals required to comply with the work requirement, as identified by DOL-BLS.
9. **JUSTIFICATION FOR REQUEST:** The Human Services Department through the DOL-BLS has identified as Labor Surplus Areas/counties. The most recent data for Surplus Labor Areas is December 1999. The surplus labor data is tied to the unemployment rate for the previous two years.

This waiver currently includes counties which have been identified as Labor Surplus Areas (LSA) by the Department of Labor, Economic Research and Analysis. These counties are the City of Carlsbad in Eddy County, Catron County, Chaves County, Cibola County, Colfax County, Dona Ana County, Grant County, Guadalupe County, Luna County, McKinley County, Otero County minus the City of Alamogordo, Rio Arriba County, San Juan County minus the City of Farmington, San Miguel County, Sandoval County minus the City of Rio Rancho, Socorro, and Torrance County. List of current Areas is attached.

The following are counties identified as Surplus Labor Areas from the most recent information provided by the Department of Labor, Bureau of Labor Statistics:

SURPLUS LABOR

Catron

Chaves *less Roswell City*
 Cibola
 Colfax
 Dona Ana *less Las Cruces City*
 City of Carlsbad in Eddy County only
 Grant
 ✓Guadalupe
 ✓Luna
 McKinley *less*
 Otero County *minus the City of Alamogordo City*
 ✓Rio Arriba *less*
 San Juan *minus the City of Farmington City*
 ✓San Miguel *less*
 Sandoval County *minus the City of Rio Rancho City*
 Socorro
 Torrance

10. **ANTICIPATED IMPACT ON HOUSEHOLDS AND STATE AGENCY:** An individual residing in these counties will not be required to comply with a work requirement in these Surplus Labor Areas. The State Agency case management activity will continue to be simplified, in fact, even become more simplified because the number of areas has increased, with a waiver extension of the work requirement.

11. **CASELOAD INFORMATION AND QUALITY CONTROL ERROR RATE FOR AFFECTED PORTION:** The current Food Stamp caseload is 64,357. Within this caseload the Human Services Department has identified 11,557 individuals statewide between the ages of 18 and 59 and who are presently registered under E & T requirements. There are 3,645 individuals identified as Able Bodied Adults Without Dependents. This represents approximately 31.53% of individuals between the ages of 18 and 59. Of these, 2121 individuals reside in the counties which would be exempted from the 20 hour a week work requirement under this waiver. This represents approximately 58% of the ABAWD population.

The average error rate based on data from October 1998 through September 1999, (most recent data available) for these counties is 7.38%. This includes errors for all categories, not only work requirement errors.

12. **ANTICIPATED IMPLEMENTATION DATE:** Waiver is already implemented and would continue. Field staff will be informed of additional areas upon approval of the waiver by FNS. The extension is requested for one more year.
13. **PROPOSED QUALITY CONTROL (QC) REVIEW PROCEDURES:** Quality Control will not apply the work requirement policy to individuals in counties and/or Indian country approved under this waiver. Quality Control will continue to apply E & T work registration requirement to such individuals.

14. SIGNATURE AND TITLE OF REQUESTING OFFICIAL:

Patsy Barnett, Director
Income Support Division

15. DATE OF REQUEST:

WAIVER REQUEST

1. **WAIVER SERIAL NUMBER:** 970199
2. **TYPE OF REQUEST:** Extension
3. **PRIMARY REGULATION CITATION:** Section 6(o) of the Food Stamp Act, as amended by Title VIII of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
4. **SECONDARY REGULATION CITATION:**
5. **STATE:** New Mexico
6. **REGION:** Southwest
7. **REGULATORY REQUIREMENTS:** Section 824 requires that certain individuals participating in the Food Stamp Program be working or participating in a work program for 20 hours a week, averaged over the month, in order to remain eligible to receive food stamp benefits.
8. **PROPOSED ALTERNATIVE PROCEDURES:** The Human Services Department requests an extension of the waiver of the work requirement found in Section 824, which allows New Mexico to waive the work requirement in areas where the unemployment rate is over the national average or there are not sufficient jobs to provide employment for individuals required to comply with the work requirement, as identified by the Department of Labor-Bureau of Labor Statistics.
9. **JUSTIFICATION FOR REQUEST:** The Human Services Department through the DOL-BLS has identified the following pueblos/reservations as having an unemployment rate of over 10%. This year we have identified the Moscalero Apache Tribe and the Navajo Nation Standard Delivery Area. Picuris Pueblo and Taos Pueblo fall within the boundaries of Taos County, which has an unemployment rate of over 10% and is covered by Waiver #970135. The remaining pueblos/reservations as listed have an unemployment rate of over 10%, but fall within the boundaries of counties that have been designated as Labor Surplus Areas (Waiver # 970136) They are Jicarilla Apache in Rio Arriba County, Jemez Pueblo and Zia Pueblo in Sandoval County and Acoma and Laguna Pueblos in Cibola County.

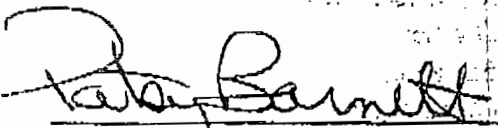
The following pueblos are being included in this request because they have an unemployment rate above 4.5% of the National Average according to the most recent information provided by the Department of Labor, Bureau of Labor Statistics. They are San Juan Pueblo, Santa Clara Pueblo, Nambe Pueblo, San Ildefonso Pueblo, Santa Clara Pueblo, Tesuque Pueblo, Zuni Pueblo, San Felipe Pueblo, Santo Domingo Pueblo, and

Isleta Pueblo.

The following pueblos have an unemployment rate of over 10% as identified by the most recent information provided by the Department of Labor, Bureau of Labor Statistics:

ASA *Steno Co.* *Lincoln Co* 4.58% UR
Mescalero Apache 15.6%

ASA Navajo Nation SDA 16.3%

10. **ANTICIPATED IMPACT ON HOUSEHOLDS AND STATE AGENCY OPERATIONS:** An individual residing in these areas will not be required to comply with a work requirement. The State Agency case management activity will continue to be simplified with a waiver of the work requirement.
11. **CASELOAD INFORMATION AND QUALITY CONTROL ERROR RATE FOR AFFECTED PORTION:** There is no data available by reservation or pueblo in order to identify potential ABAWDS. The recipients in the pueblos included in this request will increase the number of potential ABAWDS identified in waivers 970135 and 970136. The error rate for reservations and pueblos is included with the statistics found in paragraph 11 in waiver numbers 970135 and 970136.
12. **ANTICIPATED IMPLEMENTATION DATE:** The waiver is currently implemented and would continue beginning April 1, 1999. Field staff will be informed of areas impacted upon approval of the extension request.
13. **PROPOSED QUALITY CONTROL (QC) REVIEW PROCEDURES:** Quality control will not apply the work requirement policy to individuals affected by the waiver. Quality control will continue to apply E & T work registration requirements to such individuals.
14. **SIGNATURE AND TITLE OF REQUESTING OFFICIAL:**
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Patsy Barnett, Director
Income Support Division
15. **DATE OF REQUEST:**