

2014 OA-047

AMENDING CHAPTER 30 OF THE DANE COUNTY CODE OF ORDINANCES,
REGARDING CONTRACTS FOR EMERGENCY SHELTER AND DAY
RESOURCE CENTER SERVICES

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 30.04 is created to read as follows:

30.04 CONTRACTS FOR EMERGENCY SHELTER AND DAY RESOURCE CENTER SERVICES.

(1) PURPOSE. Every contract entered into by the County for the provision of emergency shelter or day resource center services for the homeless shall include the minimum standards regarding the rights and responsibilities of participants as set forth in this section, which shall be incorporated into every contract entered into or renewed after the effective date of this ordinance.

(2) Admission Policy. (a) Providers shall have written admissions policy which includes admission criteria and procedures.

(b) Decisions to deny services for more than 24 hours shall be based upon the prospective participants behavior, and shall not be based solely upon alcohol or drug use.

(3) Rules and Discipline. (a) Posting. All rules will be posted in a conspicuous place near the shelter entrance and on the shelter provider's website.

(b) Participants shall be provided a written copy of the rules at least annually, and shall be required to acknowledge receipt of said rules in writing.

(c) Adverse action may only be based upon violation of properly posted rules.

(4) Reinstatement. (a) A person who is denied services may apply for reinstatement by the shelter provider.

(b) A person shall be reinstated with services if space is available, if the person provides sufficient evidence that the grounds for denial of services has been cured. Such evidence may include medication or treatment, education, and personal and professional references.

(c) Adverse reinstatement decisions are subject to the grievance procedure set forth in sub (4).

(d) This section shall not be construed to limit a shelter provider's discretion to reinstate shelter services to a person at any time without a formal application.

(5) Grievance Process. Every County funded service provider subject to this ordinance shall include the following grievance process in their shelter rules and procedure.

(a) Within two (2) business days of any adverse action denying services for more than 24 hours, including denials of extensions, the provider shall issue a written notice which shall be available for pick-up by the affected person at the shelter during regular intake hours and which shall be provided by mail, fax or

47 email upon request. The provider may require the affected person to pick up the
48 decision at a location other than the facility from which the affected person has
49 been denied if necessary to protect the safety of other participants of the facility,
50 but the provider must provide a written notice at the time of denial of services
51 indicating the location where the written notice will be made available and the
52 affected person's right to have the notice mailed, faxed or emailed to a location of
53 their choice upon request. If the provider has contact information on file for the
54 affected person it shall attempt to send the notice to the address(es) on file.

55 (b) The written notice required by sub (a) shall include: 1. The reason(s) for the
56 adverse action, including a designation of the shelter rule(s) violated;
57 2. a statement of the facts supporting the adverse action;
58 3. Identification of all sources of information relied upon;
59 4. Instructions on how to file a grievance hearing request;
60 5. A copy of the Shelter Rules and Grievance Process.

61 (c) The grievant shall have a right to review all adverse information and
62 evidence. The shelter provider shall make such information reasonably available
63 within two (2) business days of grievant's request. The shelter shall provide
64 copies of all written evidence requested by the grievant at no cost to the grievant.
65 The name of a witness may be redacted from documentation to be provided to
66 the grievant if the witness was the victim of violent criminal activity or threatened
67 criminal activity.

68 (d) The grievant may request a hearing in writing within 30 days of the adverse
69 decision. Such request shall be by written notice to the shelter provider. A
70 hearing shall be held within three (3) business days of the date of the request
71 unless the grievant agrees to a longer time period in writing.

72 (e) The grievant shall have a right to be represented at the grievance hearing by
73 an attorney or other personal representative.

74 (f) The grievant shall have the right to present evidence and to call and examine
75 witnesses and cross-examine shelter witnesses during the grievance hearing.
76 Privileges set forth in Chapter 905 of the Wisconsin Statutes shall be recognized,
77 including, but not limited to those available to social workers and domestic
78 violence and sexual assault advocates.

79 (g) The hearing officer shall be impartial and shall not have participated in any
80 way in the adverse decision being grieved. Ex parte communications are
81 prohibited.

82 (h) The grievance decision shall be based upon a preponderance of the credible
83 evidence presented at the hearing, and may not be based solely upon hearsay
84 evidence.

85 (i) The proceedings of the hearing shall be recorded electronically if requested
86 by either party.

87 (j) The decision shall be in writing and sent to the contact information provided
88 by the grievant and made available for pick up at the shelter's office within 72
89 hours of the hearing. The decision shall inform the grievant of the applicable
90 rule or policy violated and be based upon evidence upon which the decision was
91 based and advise the grievant as to the right and process for filing an appeal to

92 the Shelter Grievance Panel by filing a notice of appeal with the County
93 Homeless Services Contract Administrator..

94 **(6) Appeal to the Shelter Grievance Appeal Panel. (a)** A grievant may appeal
95 a shelter grievance hearing decision to the Shelter Grievance Appeal Panel
96 within 30 days of the hearing decision.

97 **(b)** The Appeal Grievance Panel shall be comprised of three (3) supervisors, one
98 (1) from each of the following committees: Health and Human Needs Committee,
99 Human Services Board and Homeless Issues Committee.

100 **(c)** The Grievance Appeal Panel shall conduct the appeal in accordance with s.
101 15.06, except for the following: (i) the parties shall not be entitled to a denovo
102 evidentiary hearing; (ii) the hearing will be limited to the scope identified in sub
103 (d); and (iii) the decision will be based on the evidentiary record of the initial
104 grievance hearing with the shelter provider and oral or written arguments
105 submitted by the parties. .

106 **(d)** The committee's review shall be limited to whether the hearing decision is
107 consistent with applicable law and policy, is supported by sufficient evidence in
108 the record, and was not arbitrary, oppressive or unreasonable.

109 **(7) Enforcement. (a)** Any person may file a complaint alleging a shelter
110 contractor's violation of this section. All complaints shall be filed with the contract
111 compliance officer.

112 **(b)** The contract compliance officer shall investigate and determine whether there
113 has been a violation of this section and provide copies of a proposed decision to
114 the complainant and the contractor. If a violation is found, the proposed decision
115 may include any of the following: termination, suspension or cancellation of the
116 contract.

117 **(c)** Any person affected by the proposed decision may, no later than 30 days
118 after issuance of the proposed decision, appeal the decision to the Homeless
119 Issues Committee by serving a notice of appeal on the county clerk. If no appeal
120 is taken within the time allotted, the proposed decision shall become final.

121 **(d)** Upon the filing of an appeal, the committee shall meet on notice, take
122 testimony, receive evidence, allow the parties to call witnesses, allow cross-
123 examination and issue a final decision. The committee shall not be bound by
124 common law or statutory rules of evidence, but shall admit all testimony having
125 reasonable probative value, excluding that which is immaterial, irrelevant or
126 unduly repetitious. The committee shall give effect to the rules of privilege
127 recognized by law. Basic principles of relevancy, materiality and probative force,
128 as recognized in equitable proceedings, shall govern the proof of all questions of
129 fact. The committee may take official notice of any generally recognized fact or
130 established technical or scientific fact, but parties shall be notified either before or
131 during hearing or by full reference in preliminary reports, or otherwise, of the
132 facts so noticed, and the parties shall be afforded an opportunity to contest the
133 validity of the official notice.

134 **(e)** The committee's final decision may include termination, suspension or
135 cancellation of the contract in whole or in part, and debarment.

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[EXPLANATION: This amendment creates minimum standards for county funded shelters and day resource centers and guests regarding rights and responsibilities, and requires these standards be included in all county contracts for shelter services.]