

# MARQUETTE COUNTY DEPARTMENT OF HUMAN SERVICES TRANSPORTATION POLICY

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## **GENERAL**

The Marquette County Department of Human Services (herein referred to as “department”) provides transportation services to residents of the county who meet certain eligibility requirements outlined in this policy statement. Services provided with department vehicles meet the requirements of the Americans with Disabilities Act and are primarily intended for use by the department. If another county department or other authorized organization that serves the elderly and disabled populations requests the use of one of the vehicles, and the request conflicts with the time and/or availability of the intended use by the department, the issue will always be resolved in favor of the department. The department reserves the right to deny any request by another department or organization.

All vehicles are designated as “smokeless”, including electronic vaping devices, and the use of any smoking product. The use of tobacco products, alcohol, illegal drugs, or substance is prohibited while riding in, sitting in, or driving the vehicle.

The transportation services available to eligible individuals shall be publicized through periodic announcements, newspaper articles, senior dining sites and other means deemed appropriate. Informational brochures are available through the Aging and Disability Resource Center (ADRC).

## **ELIGIBILITY**

*Individuals.* Any resident of Marquette County who is 60 years of age or older, a qualified veteran (as defined by Wisconsin State Statute 45.015), or disabled (certification is required by medical authority or county agency) may utilize the available transportation services for medical and approved social activity trips. Aides, spouses or companions to such persons may also utilize this service and may be required to ride along to assist the individual (see Section VIII). Young children cannot be transported under this program (see exception in Section VII.A.); however, other transportation arrangements may be made through the department.

*County Departments.* Any Marquette County government department may request transportation for their clients on a space-available basis.

*Other Use of Vehicles.* Personnel of other Marquette County departments may also use vehicles for authorized purposes, such as attendance at training sessions, if available.

## **FEES**

*All riders* must be approved through the department in advance. A co-pay schedule for use of the transportation service has been established for individuals using the service. Co-payment is required and will be billed to the customer on a monthly basis. Non-

payment of co-pays after two (2) billing cycles will be grounds for refusal of service until paid in full. This schedule is periodically revised by the Transportation Coordinating Committee with Human Services Board approval and is posted in each vehicle. Aides, spouses, and companions may also contribute if they desire.

*County Departments* may request use of a vehicle. The requesting department will provide an employee-driver to operate the vehicle (see Section IV). County departments will be charged for the actual cost of fuel used in gallons. If a human services employee serves as the driver, the other department is also responsible for the hourly cost of the employee's time. Use of the vehicles by other county departments is intended to be on an incidental basis.

*Authorized Organizations* may utilize vehicles for purposes, which serve the needs of Marquette County senior citizens, disabled persons, or qualified veterans. These requests will be considered on a case-by-case basis through the department. There will be a one-dollar-per-mile vehicle use fee in addition to the cost of fuel. The driver must be approved under Section IV.

## **ELIGIBLE VEHICLE OPERATORS**

*Human Services* employees are authorized to operate department vehicles if required to do so by their job description or if authorized by the ADRC Director if they are properly licensed.

*Others.* If a human services employee is not available or not approved by the ADRC Director to operate a vehicle, an employee or representative of the department or other organization outlined in III.B. or III.C. (above) may be approved to operate a vehicle, provided the following conditions are met:

- a. Individual must submit proof of a valid Wisconsin operator's license and proof of vehicle insurance (Human Services to check driving record and proof of vehicle insurance)
- b. Individual must receive instruction on the operation of the vehicle (including the use of lift, etc.) by the Transportation Coordinator or other authorized human services staff.
- c. Individual must have previous experience in operating a full-sized van or bus and may be required to demonstrate driving capabilities by performing check ride.
- d. Individual must appear to be physically and mentally capable of operating the vehicle.

*Buses.* If a passenger bus is being utilized with seating capacity of 16 or more (including driver), the operator must possess a valid Wisconsin CDL with a "P" endorsement license to use the vehicle.

**Training.** Human Services staff is not permitted to operate department vehicles until they have completed the prescribed training. Training subjects include, but are not limited to, operation of the lift and other accessibility-related equipment, interpersonal relations as it relates to working with clients including disabled individuals. All such training will be documented, including acknowledgment by the trainee that he/she has received the training.

## **REFUSAL OF SERVICE**

**Reasons for Refusal.** Marquette County Human Services Department reserves the right to refuse service or use of its vehicles for one or more of the following reasons:

- a. The rider does not meet eligibility criteria (see Section II.A.).
- b. The rider needs emergency care, and an ambulance is required.
- c. The rider is demonstrating impaired judgment and poses a potential threat to others (e.g., an uncontrollable person under the influence of drugs and/or alcohol)
- d. When the driver has difficulty getting the rider out of the house (e.g., there is no wheelchair ramp where one is required, the rider needs personal/hygiene care assistance, etc.). In such cases the family, supportive home care worker or caseworker will be contacted to help resolve the problem.
- e. The rider has demonstrated offensive, abusive and/or violent behavior.
- f. The rider is carrying weapons such as a gun, knife, etc. Concealed and carry permits do not allow riders to carry weapons with them in county vehicles or in private vehicles serving the transportation program (i.e., vehicles of volunteer drivers.)
- g. Where safety would be compromised.
- h. When there is no ready access to the house. (e.g., accumulated snow/ice, overgrown access, debris blocking the access, etc.).
- i. The rider requests trips at times or to destinations where transportation service is not available (e.g., outside a 60-mile radius of the Marquette County line).
- j. When rider refuses to wear seat belt.
- k. The rider is utilizing a device not defined as a wheelchair. A wheelchair is defined in 49 CFR Part 37.3 as “a mobility aid belonging to any class of three-or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.” A vehicle that complies with the base 49 CFR Part 38 specifications will be able to accommodate, at a minimum, all occupied wheelchairs weighing up to 600 pounds and measuring 30 inches in width and 48 inches in length.
- l. The rider is utilizing a mobility aid as set forth in 49 CFR 37.3 and 38. but refuses to permit the mobility aid to be secured while aboard the transit vehicle.
- m. When it would impose a financial strain on the program.
- n. If a client is not home when the driver comes to pick them up at their prearranged pick-up time a minimum of 2 times without prior notification to the office.

- o. Non-payment of co-pays after two (2) billing cycles. Services may resume after full payment is received by the department.

### *Procedure for Refusing Service*

- a. For immediate problems, the driver may make the decision to refuse service after notifying the Transportation Coordinator of the reason for refusal. If the problem occurs before or after office hours, the driver must notify the Transportation Coordinator as soon as possible or the next business day.
- b. For problems not requiring immediate action, the driver will notify the Transportation Coordinator and/or the ADRC Director of the problem in writing. If appropriate, the ADRC Director will notify the rider of the problem in writing, advising the rider of the corrective action that needs to be taken and of any consequences that may result if the problem is not resolved.
- c. When required service jeopardizes contract with program funding sources.

### **SAFETY CONSIDERATIONS**

All riders (and the driver) must properly use the safety restraints provided. All riders utilizing a mobility device must permit the device to be properly secured while aboard the transit vehicle. A rider utilizing a mobility device that does not meet the definition of a wheelchair may be permitted transport if the rider agrees to transfer to a regular seat within the transport vehicle and if the non-compliant mobility device can, in the discretion of the operator of the transport vehicle, be properly secured within the transport vehicle.

### **DISRUPTIVE OR OFFENSIVE BEHAVIOR**

When using the Transportation Program services, a customer is expected to have appropriate conduct to ensure the safety and comfort of all using the service. Violent, seriously disruptive, offensive, or illegal conduct will not be accepted.

The transportation program may suspend individual passengers and/or refuse service to an individual with a disability who engages in violent, seriously disruptive, offensive, or illegal conduct, using the same standards for exclusion that would apply to any other person who acted in such an inappropriate way. If a person's disability results in involuntary behavior that may offend, annoy, or inconvenience employees or other passengers a Reasonable Modification can be requested.

When faced with an incident involving violent, seriously disruptive, offensive, or illegal conduct, the vehicle's operator will complete an incident report detailing the situation and forward it to the Transportation Coordinator and/or Program Manager at the conclusion of the shift. In cases of imminent danger or harm, the vehicle operator shall seek help from Emergency Services and then make the necessary incident report.

With regard to considering a “direct threat” U.S. Department of Justice regulations state in 28 CFR Sec. 36.208. In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

Examples of violent, seriously disruptive, offensive, or illegal conduct resulting in “refusal to provide service” include but are not limited to the following:

- Disrupting the driver while operating the vehicle.
- Engaging in any conduct or activity that represents a danger to himself/herself, to other passengers, or to the driver.
- Making physical or verbal threats to the driver or to other passengers. Such threats may be verbal, written, or physical intimidation.
- Damaging or destroying vehicle equipment or any employee’s or passenger’s property.
- Getting out of the seat while the vehicle is in motion or while the trip is underway.
- Refusing to wear a seat belt.
- Smoking, consuming alcoholic beverages, or any illegal substance while on board the vehicle.
- Disrupting other passengers.
- Disrobing.
- Swearing, name calling, and/or abusive language.
- Personal Hygiene condition, resulting in a public health hazard.

If a customer engages in violent, seriously disruptive, offensive, or illegal conduct, the customer will:

Be asked by the driver or other staff to stop or correct the disruptive behavior. If the customer continues to engage in violent, seriously disruptive, offensive, or illegal behavior, assistance will be sought as necessary; and

Be issued a letter detailing the incident. The letter will outline the “suspension of service” notification to the passenger and will include the reason for such determination. A copy of the letter will be sent to the passenger’s guardian, program manager, and/or emergency contact. By accepting a ride, you are aware of and agree to this notification. The Department of Human Services will be mindful of a passenger’s personal circumstances and disability status. Sharing only the information that is intended to resolve the violent, seriously disruptive, offensive, or illegal behavior.

Further suspensions up to and including refusal of service will be determined at the discretion of the program manager in the event that the suspension of service has not mitigated the disruptive situation.

**Appeals Process:** Follow Marquette County Department of Human Services Complaint Policy. A copy of this policy can be obtained from the Department of Human Services. It is also on the transportation page of the [adrcmarquette.org](http://adrcmarquette.org) website.

If during the ADA appeals process, it has been determined the Department of Human Services has legitimately refused service to someone who has engaged in violent, seriously disruptive, offensive, or illegal conduct, the Director may choose to provide conditional service to the customer on actions that would mitigate the problem. For example, the Director could choose to require an attendant as a condition of providing service it otherwise had the right to refuse. **2 49 CFR, Part 37.5 (App.D)**

In evaluating the request, the Director may hold a hearing and otherwise gather evidence regarding the claim and the proposed sanction. The passenger may have an opportunity to present evidence and witnesses at the appointed time. The Director's findings will be final and binding.

## **SPECIAL NEEDS RIDERS**

*Children.* With prior approval by the Transportation Coordinator, children with booster seats or infants with infant seats must be accompanied by an adult. A child will never be dropped off without an appropriate adult present to meet the child.

*Disoriented and/or Non-Verbal Persons.* The department reserves the right to require an aide for a disoriented or non-verbal rider. An incident report (review that section) will be submitted by the driver when he/she feels an aide will be required for future transports.

Drivers are responsible for escorting these special needs persons to the specific destination. If a receptionist is available, drivers should give the receptionist instructions regarding where the person is to go and any information regarding the return trip. When a receptionist is not available, the driver must take the rider to their final destination and inform a responsible party of the person's arrival and any return ride information.

*Persons with Respirators or Portable Oxygen.* Riders who require the use of such equipment are permitted to do so while in department vehicles, as long as such use is consistent with Department of Transportation rules on the transportation of hazardous materials (49 CFR B-1-C).

## **RIDER ASSISTANCE**

Drivers are responsible to assure the safe boarding and transport of all riders. The type of assistance provided may vary based on rider capabilities. Drivers are permitted to enter a rider's home to provide the minimum amount of assistance required to get the rider safely out of or into the home. Drivers are not allowed to assist rider with home or personal hygiene care (e.g. taking out trash, giving medications, assistance with dressing, etc). Drivers may assist riders with transferring only to help rider maintain balance. Drivers are not allowed to lift or carry rider. Riders who cannot transfer with minimal assistance will be required to supply an aide to perform all necessary transfers at all stops. Wheelchairs will be maneuvered by drivers if necessary. Drivers are responsible for operating the lift in the lift-equipped vehicles and for securing wheelchairs in tie-downs. Wheelchairs may not be moved more than one step up or down. An incident report (review that section) should be submitted regarding locations with difficult access.

## **REASONABLE ACCOMMODATIONS**

### *Purpose*

The purpose of a reasonable modification is to ensure that the Marquette County Department of Human Services offers equitable and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

To have equitable and effective opportunities and benefits, individuals with disabilities may need reasonable modification to policies, practices, and procedures. The Department will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. The department does not discriminate based on disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. The department will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

### *Eligibility Criteria*

An individual is eligible to request a reasonable modification consideration if that individual experiences a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or been regarded as having such impairment. (Americans with Disabilities Act, Title 42, Chapter 126, Section 12102)

### *Reasonable Modification*

A reasonable modification is a change or exception to a policy, practice, or procedure that allows individuals with disabilities to have equitable access to programs, services, and activities. The department will make reasonable modifications when necessary to



ensure access to transit services for individuals with disabilities, unless:

- Making the modification would fundamentally alter the nature of the transportation service.
- Making the modification would create a direct threat to the health or safety of others.
- The individual with a disability is able to fully use the transportation service without modification.
- Making the modification would create an undue financial or administrative burden.

For the purposes of this section, the term reasonable modification shall be interpreted in a manner consistent with the term “reasonable accommodations” as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

### ***Requests for Reasonable Modification***

Information about how to make requests for reasonable modification is readily available to the public through our website; [adrcmarquette.org](http://adrcmarquette.org) and the transportation policy which covers rider expectations and information. The transportation personnel shall follow these procedures in taking requests:

- a. Individuals (or their representatives) requesting modifications shall describe what they need in order to use the service.
- b. Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. Transportation program personnel will determine if the request represents a reasonable modification and proceed in considering the request according to ADA guidelines and this policy.
- c. Whenever feasible, the department asks for reasonable modification requests in advance to allow time to consider the request and, if approved, to make the appropriate modification to affected policies, practices, and/or procedures.
- d. Where a request for modification cannot be made and determined in advance, the transportation program personnel shall make a determination of whether the modification can be made at the time of the request. Personnel should consult with the Transportation Coordinator or management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable modification process begins as soon as the request is received. Reasonable modification request forms are available by contacting the department at 608-297-3124 or by email: [adrc@co.marquette.wi.us](mailto:adrc@co.marquette.wi.us). A link to the form is also available at: <https://adrcmarquette.org>



Reasonable  
Modification Reque

Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or in advance.

### *Time Frame for Processing Requests and Providing Reasonable Modification*

The department will process requests and then provide the modification, where appropriate, within thirty (30) business days. The department recognizes that the time necessary to process a request will depend on the nature of the modification(s) requested and whether it is necessary to obtain supporting information.

### *Reasonable Modification Request Determination*

As soon as the department determines that a reasonable modification will be provided or denied, that decision shall immediately be communicated to the individual. This notice will be in writing in order to maintain the required record for reporting purposes. However, upon request, alternative means of response will be provided.

If a request is denied the explanation for the denial will clearly state:

- a. Specific reasons for the denial
- b. Any alternative modification that may create the same access to transit services as requested by the individual.
- c. The opportunity to file an appeal relative to the decision on the request.

### *Appeal Process*

Follow the Marquette County Department of Human Services Complaint Policy. A copy of this policy can be obtained from the Department of Human Services. It is also on the transportation page of the [adrcmarquette.org](http://adrcmarquette.org) website.

### *Record Retention*

The department will maintain all records related to reasonable modification requests and denials for at least three (3) years.

## **HOSPITAL DISCHARGES**

Because of scheduling constraints, it might not always be possible to provide transportation for a person being discharged from a hospital. Where it is possible to do so, an approximate pick-up time will be established, and the person must be ready to be picked up when the driver arrives.

## **WAIT TIME**

Riders are expected to be ready and waiting 15 minutes before a scheduled pick-up time. A driver will not normally wait more than five minutes past the scheduled pick-up

time. The driver will phone the rider and knock several times on the door before the driver contacts the Transportation Coordinator for instructions. (If the scheduled pick-up time is outside of office hours, the driver will leave a voice-mail message for the Transportation Coordinator.)

## **RIDE CANCELLATION**

In order to schedule as many rides as possible, and as a matter of common courtesy, the department requires a minimum of 24-hour advance notification of a ride cancellation.

## **UNSCHEDULED STOP REQUESTS**

All stops must be approved through the department. If a rider, while in transit, requests to be taken to a location not scheduled, the driver must contact the Transportation Coordinator. An exception will be made to pick up required prescriptions.

## **ANIMALS**

Properly documented service animals are allowed in department vehicles. Federal and State regulations will be followed allowing the department to meet the needs of disabled riders.

## **INCIDENT REPORTS**

An incident report is a section of the Driver's Sheet and is a tool that a driver or the Transportation Coordinator can use to document any "out of the ordinary" event or to report any information that needs to be communicated. Anything qualifies as an "incident" (from a scheduling problem to particular rider problems). Completed incident reports are to be turned in to the Transportation Coordinator or ADRC Director for appropriate action. These reports must be turned in within 24-hours of the incident (The next business day if the incident occurs prior to a weekend or holiday).

## **GRIEVANCE PROCEDURE**

Grievances will be handled per the Marquette County Human Services Department's grievance procedure and/or through the Transportation ADA and Title VI Plan, whichever is most appropriate.

The transportation program operates its programs and services without regard to race, color, national origin, disability, sex, age, religion, income status or limited English proficiency (LEP) in accordance with Title VI of the Civil Rights Act, Americans with Disabilities Act (ADA), and related nondiscrimination authorities. For more information on the transportation programs civil rights, ADA obligations, and the procedures to file a complaint, contact Marquette County Human Services Director, at email: [mcdhs@co.marquette.wi.us](mailto:mcdhs@co.marquette.wi.us), (608)297-3124 (for hearing impaired, please use Wisconsin Relay 711 service <https://wisconsinrelay.com>)