



**SAN FRANCISCO
HUMAN SERVICES AGENCY**

Department of Benefits
and Family Support

Department of Disability
and Aging Services

Office of Early Care
and Education

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London Breed
Mayor

Trent Rhorer
Executive Director

MEMORANDUM

TO: HUMAN SERVICES COMMISSION

THROUGH: TRENT RHORER, EXECUTIVE DIRECTOR

FROM: DAN KAPLAN, DEPUTY DIRECTOR
ESPERANZA ZAPIEN, DIRECTOR OF CONTRACTS DS
EB

DATE: MARCH 18, 2022

SUBJECT: CONTRACT MODIFICATION: **ZORAH BRAITHWAITE**
(FOR-PROFIT) TO PROVIDE PART-TIME FAIR HEARING
OFFICER SERVICES

	<u>Current</u>	<u>Modification</u>	<u>Revised</u>	<u>Contingency</u>	<u>Total</u>
CONTRACT TERM:	07/01/19 – 06/30/22	04/01/22- 6/30/24	07/01/19 – 06/30/24		
CONTRACT AMOUNT:	\$188,440	\$193,760	\$382,200	\$38,220	\$420,420
ANNUAL AMOUNT:	<u>See Table Below</u>				
Funding Source	<u>County</u>	<u>State</u>	<u>Federal</u>	<u>Contingency</u>	<u>Total</u>
MODIFICATION FUNDING:	\$382,200			\$38,220	\$420,420
PERCENTAGE:	100%				100%

The Department of Human Services (DHS) requests authorization to modify the existing contract with Zorah Braithwaite for the period of April 1, 2022 to June 30, 2024, in an amount of \$382,200 plus a 10% contingency for a revised total amount not to exceed \$420,420. The modification would provide additional hours of service to an existing part-time fair hearing officer in the County Adult Assistance Program (CAAP) Fair Hearings Division through June 30, 2024.

Annual Amounts										
	7/1/19- 6/30/20	7/1/20- 6/30/21	7/1/21- 6/30/22		7/1/21-6/30/22		7/1/22- 6/30/23	7/1/23- 6/30/24		
Program Name	Original	Original	Original	Original Subtotal	Modification	Revised	New	New	Modification Subtotal	Total
PART-TIME FAIR HEARING OFFICER SERVICES	\$ 59,500	\$ 69,440	\$ 59,500	\$ 188,440	\$ 24,920	\$ 84,420	\$ 84,420	\$ 84,420	\$ 193,760	\$ 382,200
Contingency 10%										\$ 38,220
Total NTE										\$ 420,420

Background

San Francisco Administrative Code sections 20.7-45 and 20.7-50, and the United States Supreme Court case of *Goldberg v. Kelly*, 397 U.S. 254 (1970) require the government to provide a pre-termination evidentiary hearing before it can terminate an individual's public assistance in order to satisfy basic tenets of due process. The Fair Hearing Officer conducts these hearings for the San Francisco County Adult Assistance Program and provides the checks and balances that are legally required to ensure the program affords clients due process of law before their benefits are negatively impacted.

The Part-Time Hearing Officer services were added in 2015 due to the number of fair hearings scheduled doubling.

Services to be Provided

Contractor shall conduct fair hearings for the County Adult Assistance Program (CAAP) with clients whom are faced with reduction of grant amount or discontinuance and are requesting a fair hearing.

Contractor will provide a minimum of two hearing days a month, covering vacation and other leaves by the lead hearing officer, not to exceed an average of 175 hours per quarter. Such service shall include the ability to keep up with state and local regulatory changes that govern fair hearings, participate in settlement discussions, fair hearing trainings, policy discussions, provide documented decisions, and liaise with CAAP Program staff and clients.

Selection

Contractor was selected through Request for Proposals (RFP) #844, which was competitively bid in May 2019.

Funding

Funding for this contract is provided by the City and County General Fund.

ATTACHMENTS

Appendix A-1

Appendix B-1

**Appendix A-1 – Services to be Provided
Zorah Braithwaite
Part-Time Fair Hearing Officer
July 1, 2019 – June 30, 2024**

I. Purpose of Contract

The purpose of the contract is to provide a part-time hearing officer in the County Adult Assistance Program (CAAP) Fair Hearings division of the Department of Human Services Agency (HSA).

II. Definitions

CAAP	County Adult Assistance Program
CARBON	Contracts Administration, Reporting and Billing On Line System
CDSS	California Department of Social Services
Contractor	Zorah Braithwaite
HSA	Human Services Agency of the City and County of San Francisco
SFAC	San Francisco Administrative Code

III. Target Population

The Contractor shall conduct fair hearings for the County Adult Assistance Program (CAAP) and clients served who receive public assistance and are facing a reduction in their grant amount or a discontinuance of their grant and are requesting a fair hearing.

IV. Description of Services

1. Contractor shall cover a minimum of two hearing days per month, as directed by the Director of Investigations or his or her designee, based on work flow and number of hearings scheduled by fair hearing staff.
2. Contractor shall cover vacation and other leaves by the lead hearing officer, not to exceed an average of 175 hours per quarter.
3. Services shall include but not be limited to:
 - a. The contractor shall keep itself fully informed of all applicable laws and regulations that govern fair hearings, including State law, sections of the San Francisco Administrative Code (SFAC), case law, and administrative rules and regulations that govern hearings.
 - b. Conduct hearings
 - c. Write decisions within applicable time frames

- d. Participate in settlement discussions
 - e. Review good cause requests
 - f. Consult with program staff as needed
 - g. Consult with clients when supervisor review is requested and/or is necessary to resolve an issue.
 - h. Participate in policy discussions that pertain to the fair hearing process from time to time with HSA management, opposing counsel, and program staff.
4. Reporting Requirements:
Contractor shall provide monthly statistics regarding fair hearings conducted. These statistics shall include the number of hearings requested and held, the outcome, and any other data that fair hearings staff requests. Contractor may also be asked to provide additional reports on an as-needed basis, as determined by HSA management.

V. Location and Time of Services

Hearings are held at 1235 Mission Street, San Francisco, or at another location designated by HSA. Hearings are generally held between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

VI. Service Objectives

- 1. Contractor shall cover a minimum of two hearing days per month.
- 2. Contractor is required to attend 100% of all hearings each day when they are scheduled as the hearing officer.

VII. Reporting Requirements

- A. Contractor will provide a monthly report of activities, referencing the tasks as described in Section VI & VII- Service Objectives. Contractor will enter the monthly metrics in the CARBON database by the 15th of the following month.
- B. Contractor will provide an annual report summarizing the contract activities, referencing the tasks as described in Section VI & VII- Service and Outcome Objectives. This report will also include accomplishments and challenges encountered by the Contractor. Contractor will enter the annual metrics in the CARBON database by the 15th of the month following the end of the program year.
- C. Contractor will provide Ad Hoc reports as required by the Department.
- D. For assistance with reporting requirements or submission of reports, contact:

Tim Vo
Tim.Vo@sfgov.org
Contract Manager, Office of Contract Management

or

Jennifer Williams
Jennifer.Williams@sfgov.org
Program Manager, Division of Investigations

VIII. Monitoring Activities

- A. Program Monitoring: Program monitoring will include review of back-up documentation for reporting progress towards meeting service objectives.

Appendix B-1: Budget
Zorah Braithwaite
Part Time Fair Hearing Officer
Term: 7/1/2019 – 6/30/2024

Revised March 2022

Rate Breakdown

July 1, 2019 – June 30, 2020

1. Rate per Hour: \$140
2. Hours per Year: 425
3. 425 hours X \$140 per hour = \$59,500

July 1, 2020 – June 30, 2021

1. Rate per Hour: \$140
2. Hours per Year: 496
3. 496 hours X \$140 per hour = \$69,440

July 1, 2021 – June 30, 2022

1. Rate per Hour: \$140
2. Hours per Year: 425 + 178 = 603
3. 603 hours X \$140 per hour = \$84,420

July 1, 2021 – June 30, 2023

1. Rate per Hour: \$140
2. Hours per Year: 425 + 178 = 603
3. 603 hours X \$140 per hour = \$84,420

July 1, 2023 – June 30, 2023

1. Rate per Hour: \$140

2. Hours per Year: $425 + 178 = 603$

3. $603 \text{ hours} \times \$140 \text{ per hour} = \$84,420$

The total amount for the period of July 1, 2019 to June 30, 2024 is \$382,200.