This memo is to provide further clarification on the requirements in existing guidance. The guidance in CACFP 04-2006 requires sponsors to monitor all types of meal services it approves. Therefore, if a provider is approved to serve weekend, supper or holiday meals the sponsor must monitor a “roughly proportional” number of those meal services. A similar situation is when the safety of the sponsor monitor is compromised by monitoring meal services in an unsafe area of a city at night or in a situation in which the monitor feels threatened.

When a sponsor enters into an agreement with the State Agency, it is certifying that it can fulfill the administrative requirements of the program, including the requirement to monitor sponsored sites. Therefore sponsors should not approve providers to claim meals that the sponsor cannot or will not monitor. Although this intent may be viewed as a limit to participation or access, participation and access are not to be achieved at the expense of program integrity. Sponsors that have limitations to the extent to which they cannot meet Program oversight requirements should not approve facilities that exceed their management capabilities. For the same reasons that apply for meal service times/days, the sponsor that approves facilities in an area must be able to do so in the areas when meal services occur; including nights and weekends.

That said, not all meal services at each facility must be reviewed. As per CACFP-04-2006, sponsors should conduct reviews “roughly proportional” to the percentages of each type of meal being claimed. However, a facility in an inconvenient location or one serving meals at an inconvenient time cannot be avoided.

Employee safety and staff work schedules are important considerations for all employers, including CACFP Sponsors. Location and staff schedules can be challenges, but these challenges are not impossible to overcome, nor do they present any additional liability for CACFP sponsors than they do for other employers. We encourage sponsors to consider other ways to meet the monitoring requirements. In potentially dangerous locations, employees
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could go in pairs, use a call-in system to announce site arrival/departure, or, in some extreme cases, request security or police escorts. Compensatory time or overtime are not the only means to achieving evening, weekend or holiday work. Managing schedules to accomplish necessary work may require employers to establish alternative schedules as a condition of employment. Employers might also “stagger” employee work schedules or rotate weekend duty.

If you have questions regarding this memo please call our office at (303) 844-0360.

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