

**SPONSORING
ORGANIZATION
POLICIES AND
PROCEDURES**

**CHECKLIST FOR
FAMILY DAY CARE HOME SPONSOR
REQUIRED POLICIES/PROCEDURES**

Sponsor's Name: _____ Agreement Number: _____

Personnel Policies

- _____ 1. Hiring Procedures
Note: Each position must have a job description that contains the following:
 - *General Description*
 - *Minimum Qualifications*
 - *Examples of Work Performed*
- _____ 2. Types of Positions—Organizational Chart
- _____ 3. Office Schedule, Notification, Pay Periods, and Holidays
- _____ 4. Leave of Absence
- _____ 5. Compensation Policy
- _____ 6. Termination of Employees
- _____ 7. Restricting Outside Employment Policies
- _____ 8. Sponsoring Organization Key Staff Training

Provider Policies

- _____ 1. Recruitment of Providers Policy
- _____ 2. Unavailable Provider Policy
- _____ 3. Meal Disallowance Policy
- _____ 4. Mealtime Change Policy
- _____ 5. Cycle Menu Policy
- _____ 6. Submission of Records Policy
- _____ 7. Provider Edit Checks
- _____ 8. Annual Provider Training
- _____ 9. Serious Deficiency Procedures
- _____ 10. Proposed Termination/Disqualification
- _____ 11. Appeal Procedures
- _____ 12. Suspension/Termination

PERSONNEL POLICIES

SPONSOR: _____

1. Hiring Procedures

What Is Required: All SOs must have a Board of Directors.

The Board of Directors will approve the job description for the Executive Director position. The Board will interview, evaluate, and approve the best candidate for the Executive Director position when it is vacant.

Individual program directors will prepare or update the job description for each position and review the job descriptions with the Executive Director for final approval prior to staffing a position.

Prior to staffing, the position must be approved by the Board of Directors on recommendation of the Executive Director.

_____ will not hire any applicant as a regular full-time employee who is related by blood or marriage to any current employee. Employees who become related by marriage may continue _____ employment, but may not work for each other nor supervise each other.

_____ openings will be posted for five working days within the agency and then advertised or communicated externally as required to identify qualified candidates for the position. The primary objective in posting and advertising the position is to identify and select the best-qualified individual.

Applicants for _____ positions will be interviewed by the immediate supervisor/program director and, if necessary, by the Executive Director. If desired, a team of existing staff members may be involved in the interviewing process. Three references must be obtained on any application prior to a recommendation being made.

Before the position is formally offered to the applicant, the individual to be hired must be approved by the Executive Director on recommendation by the appropriate supervisor.

The starting pay level of the employee will be determined by the Executive Director or the Board of Directors. In all cases, the decision on the pay level will be in accordance with the compensation structure approved by the Board of Directors.

The new employee will receive orientation to his or her job duties from the immediate supervisor.

2. Types of Positions—Organizational Chart

What Is Required: The SO must have sufficient staff to be administratively capable.

Regular full-time employees are those hired to work 40 hours per week. The position is included in the organization's core organizational chart which includes ongoing programs and responsibilities, or the employee has been employed to initiate a new program that will presumably be ongoing as continued funding is available. Regular full-time employees are eligible for all benefits, including retirement plan, flexible spending account program, group health insurance, long-term disability insurance, life insurance, paid holidays, and vacation and personal leave.

Regular part-time employees are those who work on a regular basis at a level less than 40 hours per week. Regular part-time employees working 25 to 39 hours per week are eligible for all benefits on a prorated basis, except for long-term disability. Those working 20 to 24 hours per week are eligible for paid holidays. No benefits are provided to employees working less than 20 hours per week.

3. Office Schedule, Notification, Pay Periods, and Holidays

What Is Required: The sponsor must be available during the days/hours as approved on the sponsor application.

The _____ offices are open from _____ to _____, _____ through _____. The supervisor is responsible for scheduling hours of work for assigned personnel either working the normal weekly 40 hours or a predetermined number of reduced hours. Helpline services are on a 24-hour basis, normally divided into 8-hour shifts. Variations in work schedules to accommodate certain needs will be provided with approval of the Executive Director.

Employees check in and out at the reception desk at the main _____ office or other area designated by the individual program director. If, for any reason, an employee will not be able to be at work on a given day, the employee is expected to call and inform his or her supervisor and/or the receptionist not later than _____ on the day of absence or as prearranged by a supervisor. Employees should check out and check in when attending meetings away from the office and for those which occur outside of regular office hours. If circumstances allow, advance notice for absences is preferred.

The 30-minute lunch period should be taken as scheduled by the supervisor. All lunch periods are normally scheduled between _____ and _____. Lunch periods may not be added to the beginning or end of a day unless prearranged with a supervisor.

Employees will be paid semimonthly by check or direct deposit. The two pay periods will be the first through the fifteenth and the sixteenth through the last day of the month. Any change requires the approval of the Executive Director. An employee should notify his or her immediate supervisor if the employee believes the amount of the paycheck is incorrect. Since payroll is done before the pay period is finished, any necessary adjustments in pay will be made in the following pay period.

The _____ office will be closed:

- | | |
|---|-----------------------|
| New Year's Day | Memorial Day |
| Independence Day | Labor Day |
| Thanksgiving Day and the following Friday | Two days at Christmas |

4. Leaves of Absence

The _____ allows time off with full pay for vacation and/or being ill to all regular employees according to established length of service. During the first 12 months of employment, all regular employees will accrue six days of leave credit. Leave will accrue at the rate of one-half day per month after the employee's second full calendar month of service. A new employee will not be able to take accrued leave until after the sixth month of employment.

During subsequent years of employment, regular employees will earn leave time on the following basis:

| Years of Employment | Vacation Days |
|----------------------------|----------------------|
| Less than 5 | 6 |
| 6-15 | 10 |
| 16-20 | 15 |

Leave scheduling will be approved by the Executive Director or assigned supervisor. Employees will be able to carry over five unused leave days to the next year.

An employee who terminates employment will be paid for unused leave time.

If accrued/earned leave is depleted and the individual still requires additional time away from work, such leave may be taken without pay with the approval of the Executive Director.

Employees called for jury duty will be excused from work during such duty. The jury fee is retained by the employee, and no deduction will be made from the employee's salary for absence during the period of duty nor is the absence charged against leave time. Employees released from jury duty during normal working hours are expected to return to work.

5. Compensation Policy

_____ maintains a schedule of salaries by position so that all employees are equally compensated. All salary increases must be recommended by the Executive Director for approval by the Board of Directors.

The following criteria are required for compensation adjustments:

- a. Overall outstanding annual performance evaluations.
- b. Reevaluation of job descriptions.
- c. Additional responsibilities assigned.

6. Termination

Employees may be terminated from any position at the discretion of the Executive Director.

7. Restricting Outside Employment Policies

What Is Required: Sponsors must develop a policy on outside employment of their Child and Adult Care Food Program (CACFP) employees. General principals to consider in approving outside employment would include likely schedule conflicts with CACFP responsibilities and duties and ethical or conflict-of-interest issues.

The _____ allows CACFP employees to hold outside employment as long as that employment is not with another agency or program that operates the CACFP. The outside employment must not conflict with regular working schedules set up by the immediate supervisor. CACFP employees must submit in writing a request to hold outside employment. The request must include the days and hours the employee will be working. The request will be reviewed and approved or disapproved by the Executive Director.

8. Sponsoring Organization Key Staff Training

What Is Required: Sponsoring organizations (SOs) must provide training in CACFP regulations and SO policies and procedures to all key personnel prior to their performing duties.

SOs must also provide annual training thereafter for key staff/providers covering the following required topics, at a minimum:

- 1. CACFP Meal Pattern**
- 2. Reimbursement Process**
- 3. Accurate Meal Counts**
- 4. Claims Submission**
- 5. Record Keeping**

Training methods include conference/meeting style, one-on-one, online, or self-paced curriculum. Online and self-placed curriculum must include documentation, posttraining, and benchmarks, e-mail confirmation, questions and answers, and include sign-in/log-in records.

Documentation of dates, locations, required topics, and staff participating must be maintained by the SO.

PROVIDER POLICIES

1. Recruitment of Providers Policies

What Is Required: The SO must not promote regional sponsor competition for providers and cannot *BRIBE* or lure providers to their sponsorships from another sponsor.

A sponsor *CANNOT* use its own money for rewards for its providers who bring on new providers. While the sponsor may not be using CACFP funds, there is still a conflict of interest issue. The sponsor cannot solicit providers to conduct outreach business for the benefit of the sponsor.

The _____ CACFP recruits new members by working closely with Department of Human Services (DHS) Licensing, through on-site contacts by providers, and referrals from existing providers. Providers who are on any other food programs will not be contacted. If a provider wishes to switch food programs at the end of the contract year, the provider initiates the contact. _____ never steals or lures providers from other sponsors.

2. Unavailable Providers

What Is Required: Sponsors must assure that providers are available at the mealtimes approved on the provider's application.

_____ requires that providers be available during approved mealtimes. The following procedures must be followed:

- If a provider is going to be absent from the home during approved mealtimes, the provider must notify the sponsor.
- Once a monitoring review is scheduled, the provider has the right to cancel that review, but must call the monitor at least 24 hours in advance.
- If the provider cancels a scheduled visit more than once, every review for the remainder of the contract year will be unannounced.
- If the provider does not notify the monitor *in advance* of the cancellation and a review is attempted but cannot be completed, the provider will be declared seriously deficient. The provider will not be reimbursed for the meals. If the provider is not at home at the time of the unannounced follow-up, the provider will be proposed for termination and disqualification.

3. Meal Disallowances

What Is Required: Sponsors must develop a policy to ensure that only meals meeting minimum United States Department of Education (USDA) meal patterns are claimed for reimbursement.

_____ will disallow meals for the following reasons:

- Failure to maintain meal records on a daily basis.
- Recording of meals served in advance.
- Meals served in excess of license capacity.
- Meals not meeting minimum meal requirements.

4. Mealtime Change

What Is Required: Sponsors are required to implement policies for reporting changes in the day-to-day operations of the provider's CACFP.

- If a provider wishes to change meal service times or add or delete a meal service, the provider must notify _____ by phone. _____ will complete a *Provider Meal Service Information* form and send an approved copy to the provider for his or her records. Providers are required to notify _____ of the following information:
 - If any meal *TIME* changes
 - If the provider wants to add or delete a meal service or add or delete a weekend meal
- If the provider does not notify _____ of changes in meal service, the provider may not be reimbursed for any *CHANGED* meals.
- Holidays: _____ *MUST* be notified (by phone or in writing) *in advance* if the provider plans to be reimbursed for meals served on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If _____ is not notified *BEFORE* the holiday, the provider will not be reimbursed for that holiday.
- Meal Service Time: There is no restriction on what time lunch may be served; however, there should be at least two hours between meal services; i.e., if lunch is served at 12:30 p.m., there should not be an approved supper or p.m. snack earlier than 2:30 p.m.

5. Cycle Menus

What Is Required: Sponsors must establish cycle menu requirements, including number of days. Providers must follow the established cycle menus.

A 15-day cycle menu must be completed and submitted to the _____ office for approval.

- Each meal and snack must meet minimum meal requirements.
- Substitutions are allowed, but the provider must indicate any substitutions in writing. If more than five substitutions are made, a new cycle menu will be required.
- If the provider wishes to make a new cycle menu, it must be submitted to the _____ two weeks prior to use. If any changes are made to the cycle menu (permanent changes, not substitutions), the food program must also approve them.

6. Submission of Records

What Is Required: Sponsors must develop policies pertaining to the submission of monthly provider records.

Monthly records are due by the third of the following month.

Any *LATE* records received after the due date will be processed after all other records have been processed.

7. Provider Edit Checks

What Is Required:

a. *Approved Meal Types*

Sponsors must verify that the provider is approved for the meal types and times he or she is claiming.

Three hours shall elapse between the beginning of one main meal service and the next main meal service. At least two hours shall elapse between the beginning of a main meal and a snack. Meals served outside of the approved times are not eligible for reimbursement. No meal services are allowed between the hours of 10 p.m. and 5 a.m.

b. *Maximum Number of Meals*

Sponsors must ensure that providers are not claiming more than the maximum possible meals:

- Multiply total enrollment by
- Number of approved meal types and shifts by
- Number of operating days

8. Annual Provider Training

What Is Required: Sponsors are required to offer training sessions annually (October through September), scheduled at a time and place convenient to all providers. Providers who do not attend training at least annually shall be declared seriously deficient and proposed for termination by the sponsor. Training must include the five topics listed below. Sponsors must document and have readily available all training records, including date, location, signatures of providers attending, and topics covered. Technical assistance given to a provider during a home visit does not qualify as sponsor training unless all training requirements mentioned below are met. SOs must ensure each provider receives certification of training.

Required Minimum Training Topics

- a. CACFP Meal Pattern
- b. Reimbursement Process
- c. Accurate Meal Counts
- d. Claims Submission
- e. Record Keeping

9. Serious Deficiency Procedures

What Is Required: A provider is declared seriously deficient by the sponsoring organization (SO) if any of the following areas of noncompliance exist:

- a. Submission of false information on the Application/Agreement.
- b. Submission of false claims for reimbursement.
- c. Simultaneous participation under more than one SO.
- d. Noncompliance with the Program meal pattern.
- e. Failure to keep required records.
- f. Conduct or conditions that threaten the health or safety of a child in care or the public health or safety.
- g. A determination that the family day care home (FDCH) has been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity, as defined by the Oklahoma State Department of Education (the *State Agency*), or the concealment of such a conviction.
- h. Failure to participate in training.
- i. Any other circumstances related to nonperformance under the SO/FDCH agreement, as specified by the SO or the State Agency (including, but not limited to, fully and permanently correcting areas of noncompliance previously sited).

The SO must *INITIATE* action to terminate the Application/Agreement of an FDCH for cause if the SO determines the FDCH has committed one or more serious deficiency listed above.

Note: Any provider who submits a claim in which adjustments result in a 25 percent or more error rate will be declared seriously deficient (see Payment Voucher/Disbursement Record).

10. Proposed Termination/Proposed Disqualification

What Is Required:

The notice of proposed termination/proposed disqualification must include the following:

- A statement that indicates the sponsor is proposing to terminate the provider's agreement for cause.
- A statement that the sponsor is proposing to place the provider on the National Disqualified List.
- An explanation that the reason for these actions is because the serious deficiency was not corrected.
- A statement that the provider may appeal the proposed termination/proposed disqualification and instructions on how to appeal.
- An indication that the provider will receive program payments during the period of appeal—usually he or she will.
- A statement that indicates that if the provider *VOLUNTARILY* terminates the agreement after he or she receives the Notice of Serious Deficiency, the sponsor will still proceed with the proposed disqualification.
- The letter must be sent by certified mail, *return receipt requested*, or an equivalent private delivery service, fax, or e-mail as required by §226.2 in the regulations.

11. Appeal Procedures

What Is Required: Each SO must develop appeal procedures for FDCH providers. These procedures must be distributed to each provider during the initial application process.

- a. The SO must offer an appeal to an FDCH provider *only when* the intent of the SO is to terminate the provider's agreement for cause or when the intent of the SO is to suspend the provider's participation in the Child and Adult Care Food Program (CACFP).
- b. A provider will be notified in writing by certified mail, *return receipt requested*, of the grounds upon which the SO based its action. The notice will inform the provider of his or her right to appeal. The provider may request a review of the records. Upon receipt of such a request, the SO will appoint a review official to conduct the review.
- c. The written request for a review of records must be filed by the provider no later than the number of calendar days established by the SO. The number of days established by the SO days shall begin on the day the notice of action was received. The SO will acknowledge the receipt of the request for appeal within the time frame established by the SO.
- d. The provider may refute the information contained in the notice of action in person or by written documentation presented to the review official. The provider must have the opportunity to review the record on which the sponsor's action was based. In order to be considered, written documentation must be filed with the review official not later than the time frame established by the SO. The time frame shall begin on the day the notice of action was received. The provider may be represented by legal counsel or another person; if legal counsel is to be present, the SO must be notified of the counsel's name and address. The following applies to the appeal for a review of records:
 - Upon receipt of an appeal requesting a review of the records, the review official will notify the provider and the SO of the timelines for submission of documents.
 - Written notification submitted after the review official's timeline will not be considered.
 - Failure to submit written documentation to refute the action taken by the SO within the time frame will constitute the provider's waiver of the appeal, resulting in the action taken by the SO being upheld.
- e. Sponsors may choose to offer in-person hearings, but there is no requirement that they do so. The person hearing the appeal must be independent and impartial, and he or she must *NOT* have been involved in the action that is the subject of the appeal. Also, he or she must *NOT* have a direct personal or financial interest in the outcome. The hearing official may be an employee or board member of the sponsor or a contractor, such as a member of a statewide sponsor association.
- f. Documents and information relating to the provider and the action taken will be available for inspection and copying pursuant to the Open Records Fee Schedule at the office of the SO.
- g. The review official will be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal.
- h. The review official will make a determination based on information provided by the SO, the provider, and the laws and regulations governing the Child Nutrition Program (CNP).
- i. Within the established time frame, the review official's determination must be delivered to the provider and the SO.
- j. Participating providers may continue to operate under the Program during an appeal of proposed termination unless the action is based on imminent danger to the health or welfare of participants. If the provider has been terminated for this reason, the SO must specify this in its notice of action.
- k. The determination by the review official is the final administrative determination to be afforded to the provider.
- l. Pursuant to the federal regulations, appeals will not be allowed on decisions made by Food and Nutrition Service (FNS).

12. Suspension/Termination

What Is Required: There is only one reason for suspending FDCHs: For an imminent threat to the health or safety of participants or the public. Because the law does not allow homes to be suspended for submitting false or fraudulent claims, there is no suspension review for homes.

Step 1: The sponsor discovers the imminent threat and immediately informs the health/safety licensing authority.

Step 2: After informing the appropriate authority about the problem, the sponsor immediately sends a Notice of Suspension to the home that:

- Identifies all serious deficiencies that constitute the imminent threat.
- Informs the home that its participation is suspended as of the date of the notice.
- Allows no time for corrective action by the provider.
- Proposes to terminate the home's agreement for cause.
- Proposes to disqualify the home and the provider.
- Outlines the procedures for appealing the suspension, proposed termination, proposed disqualification, and the _____-day time frame. (This appeal time frame is determined by the SO.)

A copy of this notice is sent to the State Agency.

Step 3: The provider requests an appeal of the suspension/proposed termination and proposed disqualification.

Step 4: The hearing is held, and a decision is rendered.

Step 5: The sponsor informs the provider of the hearing decision (sends the State Agency a copy of this letter).

- a. If the sponsor wins the appeal, the sponsor must send a Notice of Termination and Disqualification to the provider. The notice must inform the provider that:
 - The home's agreement is terminated for cause.
 - The provider is disqualified and placed on the National Disqualified List.
- b. If the sponsor loses the appeal, the sponsor must inform the provider that:
 - The home's suspension ended on the date of the hearing decision.
 - The home's agreement is not terminated.
 - The provider is not disqualified and can claim for eligible meals served during the suspension.

Step 6: The sponsor sends the State Agency a copy of the notice.

Step 7: If the provider has been disqualified, the State Agency adds the home to the State Agency list and informs USDA to add the provider to the National Disqualified List.