



<b>Final Report</b>
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**NOTIFICATION OF NON-COMPLIANCE**

**Location:** Bledsoe County Correctional Complex

**TO:** Eric Leto, Jeff Swayze, Daniel Powers, and William Sarrell

**FROM:** Brittany Benderman, TDOC Contract Monitor

**DATE:** April 12, 2022

**Date of Observation:** April 5-6, 2022 (Cycle 1 Year 6)

**Due Date of Aramark Response:** April 21, 2022

**Date Plan of Corrective Action Received:** April 11, 2022

**Name of TDOC Employee Making Observation:** Brittany Benderman, Contract Monitor

**Dates Audited:**

- October 16, 2021
- October 27, 2021
- November 8, 2021
- November 20, 2021
- December 13, 2021
- December 29, 2021

Reviewed	Compliant	Noncompliant	Overall Compliance Percentage
<b>51</b>	<b>46</b>	<b>5</b>	<b>90.2%</b>

1. **Food Services Contract Compliance Instrument, Item 3a:** The Contractor shall provide sack lunches in accordance with the Sack Lunch Menu.

**Applicable Policy/Contract Section:** Contract A.12.

**Non-compliance issue:**

On 04/05/2022, the Food Services Contract Monitor reviewed eight (8) sack lunches. Of the eight (8) sack lunches reviewed, four (4) did not meet the standard. (Site 2)

- Sack lunches require 1.5 oz of dessert:
  - One (1) sack lunch included a dessert weighing 0.98 oz
  - One (1) sack lunch included a dessert weighing 0.92 oz
  - One (1) sack lunch included a dessert weighing 1 oz
  - One (1) sack lunch included a dessert weighing 1 oz

**Plan of Corrective Action Response:**

**Non-Concur:** At the bottom of the signed TDOC Standardized Menu it states, “Weights on cookies, bread, rolls, and breadsticks made from mix or scratch are *prior to baking* [emphasis added].” These cookies were weighed after baking. A more accurate measure, according to the approved menu notes, would be the weight of cookie dough on the pans before baking. Request this finding be removed.

**TDOC Management Comments:**

**Concur, this item has been removed as a finding.**

2. **Food Services Contract Compliance Instrument, Item 4a.** The Contractor shall use an automated meal count scanner to calculate the number of actual meals served. **Repeat finding** (Report dates - January 2020, July 2020, October 2020, April 2021, July 2021, October 2022)

**Applicable Policy/Contract Section:** Contract A.13.d.1.a, A.13.d.1.c.

**Non-compliance Issue:**

On 04/05/2022, the Food Services Contract Monitor observed the automatic meal count scanners were not operational/not utilized at the following sites:

- Site 1 - The scanner system was not operational.
- Site 2 - The scanner system was not operational.

**Plan of Corrective Action Response:**

**Concur:** The two scanners for Site 1 were ordered on 3.30.22 and remotely set up on 4.8.22 before being mailed to the account. Site 2’s scanner was unlocked remotely on 4.8.22 and is currently working. Aramark agrees to this finding.

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

- 3. Food Services Contract Compliance Instrument, Item 9a.** The Contractor shall provide sufficient qualified personnel for food service operations and, at a minimum, shall abide by and fulfill the staffing pattern for each institution. **Repeat finding** (Report date - July 2020, October 2020, April 2021, July 2021, October 2021)

**Applicable Policy/Contract Section:** Contract A.18.b

**Non-Compliance Issue:**

On 04/05/2022, the Food Services Contract Monitor reviewed Aramark staffing schedule to determine if the staffing pattern requirements were met. Twenty-eight (28) positions are required, and the following staff were employed during the weeks reviewed:

- October 7<sup>th</sup> through October 13<sup>th</sup>, 2021
  - Eighteen (18) staff employed during schedule week
- October 14<sup>th</sup> through October 20<sup>th</sup>, 2021
  - Eighteen (18) staff employed during schedule week
- October 21<sup>st</sup> through October 27<sup>th</sup>, 2021
  - Eighteen (18) staff employed during schedule week
- October 28<sup>th</sup> through November 3<sup>rd</sup>, 2021
  - Seventeen (17) staff employed during schedule week
  
- November 4<sup>th</sup> through November 10<sup>th</sup>, 2021
  - (17) staff employed during schedule week
- November 11<sup>th</sup> through November 17<sup>th</sup>, 2021
  - Seventeen (17) staff employed during schedule week
- November 18<sup>th</sup> through November 24<sup>th</sup>, 2021
  - Seventeen (17) staff employed during schedule week
- November 25<sup>th</sup> through December 1<sup>st</sup>, 2021
  - Sixteen (16) staff employed during schedule week
- December 2<sup>nd</sup> through December 8<sup>th</sup>, 2021
  - Sixteen (16) staff employed during schedule week
- December 9<sup>th</sup> through December 15<sup>th</sup>, 2021
  - Sixteen (16) staff employed during schedule week
- December 16<sup>th</sup> through December 22<sup>nd</sup>, 2021
  - Sixteen (16) staff employed during schedule week
- December 23<sup>rd</sup> through December 29<sup>th</sup>, 2021
  - Sixteen (16) staff employed during schedule week

- December 30<sup>th</sup> through January 5<sup>th</sup>, 2022
  - Sixteen (16) staff employed during schedule week
- January 6<sup>th</sup> through January 12<sup>th</sup>, 2022
  - Sixteen (16) staff employed during schedule week
- January 13<sup>th</sup> through January 19<sup>th</sup>, 2022
  - Seventeen (17) staff employed during schedule week
- January 20<sup>th</sup> through January 26<sup>th</sup>, 2022
  - Eighteen (18) staff employed during schedule week
- January 27<sup>th</sup> through February 2<sup>nd</sup>, 2022
  - Seventeen (17) staff employed during schedule week
- February 3<sup>rd</sup> through February 9<sup>th</sup>, 2022
  - Sixteen (16) staff employed during schedule week
- February 10<sup>th</sup> through February 16<sup>th</sup>, 2022
  - Sixteen (16) staff employed during schedule week
- February 17<sup>th</sup> through February 23<sup>rd</sup>, 2022
  - Seventeen (17) staff employed during schedule week
- February 24<sup>th</sup> through March 2<sup>nd</sup>, 2022
  - Seventeen (17) staff employed during schedule week
- March 3<sup>rd</sup> through March 9<sup>th</sup>, 2022
  - Seventeen (17) staff employed during schedule week
- March 10<sup>th</sup> through March 16<sup>th</sup>, 2022
  - Seventeen (17) staff employed during schedule week
- March 17<sup>th</sup> through March 23<sup>rd</sup>, 2022
  - Fifteen (15) staff employed during schedule week
  
- March 24<sup>th</sup> through March 30<sup>th</sup>, 2022
  - Fourteen (14) staff employed during schedule week
- March 31<sup>st</sup> through April 6<sup>th</sup>, 2022
  - Thirteen (13) staff employed during schedule week

**Plan of Corrective Action Response:**

**Non-Concur: The FSD is working diligently to recruit staff to fill the vacancies by consistently updating job requisitions and job postings. In addition, the Aramark Talent Acquisition staff in working in conjunction with all FSDs to recruit employees. The staffing issue is nationwide and affecting all industries and states and is out of Aramark's control resulting in the inability to recruit and hire the contractual amount of employees.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged. This item remains a finding.**

4. **Food Services Contract Compliance Instrument, 17a.** The Contractor shall be responsible for training inmates in the proper methods of food handing and of equipment operations.

**Applicable Policy/Contract Section:** Contract A.33.b, A.33c.

**Non-compliance issue:**

On 04/05/2022 and 04/06/2022, the Food Services Contract Monitor determined the inmate training program consisting of the proper use and sanitation of food service equipment and operation was incomplete for the following inmate files reviewed:

- Twenty-three (23) inmate training files were reviewed. Of the twenty-three (23) files reviewed, eighteen (18) had documentation for job specific training filled out incorrectly. Inmate should only signoff on the specific job they are assigned to. (Site 1 and Site 2)
  - Inmate #103571
  - Inmate #258185
  - Inmate #363565
  - Inmate #476597
  - Inmate #573562
  - Inmate #606607
  - Inmate #378381
  - Inmate #530462
  - Inmate #250594
  - Inmate #566908
  - Inmate #598073
  - Inmate #425859
  - Inmate #516652
  - Inmate #543204
  - Inmate #595392
  - Inmate #620369
  - Inmate #613618
  - Inmate #632152

**Plan of Corrective Action Response:**

**Non-Concur:** During the last Quarterly Contract Compliance audit, the FSD was told that we were supposed to update all inmate files to show their progressive training through to their current level. During this audit the FSD was told to only have

training completed/documented in their file for the inmate's current level. We respectfully request a consistent set of instructions where inmate files are concerned and that this confusing finding be removed due to conflicting instructions during audits.

**TDOC Management Comments:**

Concur, this item has been removed as a finding.

5. **Food Services Contract Compliance Instrument, Item 20a:** The Contractor shall maintain documentation of the productions sheets with HACCP information filled out completely per meal bases, including the amount of food prepared, the amount of leftover, and the usage of leftovers.

**Applicable Policy/Contract Section:** Contract A.38.c.1.

**Non-compliance issue:**

On 04/06/2022, the Food Services Contract Monitor reviewed the production sheets and determined the following:

- October 16, 2021 (Unit 28)
  - Dinner - no documentation on cooling logs
- December 29, 2021 (Site 2)
  - Lunch - no documentation on cooling logs

**Plan of Corrective Action Response:**

**Non-Concur:** Six dates containing three production packs with 24-35 pages each with multiple data points on each page were audited with only two documentation mistakes. Request this finding be changed to an observation due to ratio of missing data to overall amount of data being audited.

**TDOC Management Comments:**

The Plan of Corrective Action has been acknowledged. This item remains a finding.

6. **Food Services Contract Compliance Instrument, Item 20c:** The Contractor shall provide documentation of the actual Standardized Menu served. Policy 116.06: The contract vendor food service director at all sites including TCA will review the menus quarterly to verify adherence to

the cycle menu and portion size. The contract food service director will document the beginning and ending date of the menu cycle as it was served for the quarter. The contract food service director will provide documentation on a quarterly basis by initialing and dating on the appropriate quarterly menu review at the bottom left hand side of the Standardized Heart Healthy Menu. Any menu substitution shall be documented on the contract vendor's Weekly TDOC Substitution Log. The Weekly TDOC Substitution Log, CR-4118, for the quarter being verified, shall accompany the quarterly menu review. The quarterly menu review and all supporting documentation shall be filed in the food service director's annual inspection file by the 10th business day of the following quarter and emailed to the fiscal director at each site.

**Applicable Policy/Contract Section:** Contract A.38.c.3, Policy 116.06

**Non-Compliance Issue:**

On 04/06/2022, the Food Services Contract Monitor reviewed the October, November, December 2021 As-Run Menu's and determined the following:

- The quarterly As-Run menu review and all supporting documentation determined that the documentation was not emailed to the Fiscal Director by the 10<sup>th</sup> business day of the following quarter.

**Plan of Corrective Action Response:**

**Concur: The BCCX Food Service Director has consistently sent the quarterly As-Run Menu memo to TDOC's contract compliance auditors by the 10<sup>th</sup> business day of the month following the covered quarter but inadvertently failed to send the As-Run memo to the fiscal director. Effective April 10, 2022, the As-Run menu will be emailed to the BCCX Fiscal Director.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

7. **Food Services Contract Compliance Instrument, 23b.** The contractor shall conduct monthly surveys of inmates that represent 25% of the institution's population to determine food preferences.

**Applicable Policy/Contract Section:** Policy 116.06, Contract A.42.b.

**Non-compliance issue:**

On 04/05/2022, the Food Service Contract Monitor determined that the contractor did not conduct monthly inmate surveys in October, November, and December 2021.

**Plan of Corrective Action Response:**

**Concur: Effective April 2022, the FSD will ensure that the monthly inmate surveys will be sent out to the inmate population and once received the survey will be compiled and documented per contract.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

**Action taken by TDOC Contract Monitor:**

- On 04/06/2022, Food Service Director Sarrell, Aramark Food Service Manager Major, and Fiscal Assistant Henry were notified of the non-compliance in the Food Service Director's office.
- On 04/06/2022, AWS Higdon, AWT Cobble, Acting Compliance Manager Walker, Fiscal Assistant Henry, Food Service Director Sarrell, Food Service Manager Major, and Aramark employee Payne were advised of the noncompliance in person during an exit meeting.

**Pc:**

Chuck Taylor, Deputy Commissioner/Chief of Staff, TDOC  
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC  
Bo Irvin, Chief Financial Officer, TDOC  
Lee Dotson, Assistant Commissioner, Prisons, TDOC  
Kelly Young, Inspector General, TDOC  
Kristy Carroll-Grimes, Director of Risk Mitigation and Contract Monitoring, TDOC  
Darren Settles, Correctional Administrator, TDOC  
Shawn Phillips, Warden, TDOC  
Jonathan Higdon, Associate Warden of Security, TDOC  
Melissa Campbell, Fiscal Director, TDOC  
Patty Lovitt, Compliance Manager, TDOC  
Monique Parris-Taylor, Director, Food Services, TDOC  
Deborah Barron, Contract Monitor, TDOC



**TO:** Erik Leto, Aramark District Manager  
Jeff Swayze, Aramark General Manager  
Daniel Powers, Aramark General Manager  
Craig Moss, Aramark Food Service Director  
Gloria Fisher, TDOC Warden, DJRC  
Jason Smith, TDOC Fiscal Director, DJRC

**FROM:** Brittany Benderman, TDOC Contract Monitor

**DATE:** November 23, 2022

**SUBJECT:** DJRC 1<sup>st</sup> Biannual Monitoring Report, 2022

**FINAL REPORT**

**CONFIDENTIAL DOCUMENT WHICH CONTAINS PERSONAL HEALTH INFORMATION AND  
MAY NOT BE DISTRIBUTED WITHOUT PROPER AUTHORIZATION**

- I. Dates of Biannual Monitoring Visit:** August 30-31, 2022
- II. Team Member(s):** Brittany Benderman
- III. Audit Period:** - April 17, 2022- August 29, 2022
- IV. Pre and Post Audit Meeting:**  
On 08/31/2022, Food Service Director Moss was advised of the non-compliance in the Food Service Director's office.
- On 08/31/2022 Warden Fisher, Fiscal Director Smith and Food Service Director Moss were advised of the non-compliance in person during the close out meeting.
- V. Summary of Results:**  
Follow-up to **Cycle 1, Year 6 (March 9- 10, 2022)** POCA:  
The following POCA's will remain open due to non-compliance of the cycle 1 year 6 2022 audit findings: (Previous Instrument) Item # 20d (40)
- Follow-up to **Cycle 1, Year 6 (March 9- 10, 2022)** POCA:  
The following POCA's will close due to compliance of the 1<sup>st</sup> Biannual 2022 audit findings: Item # 1b, 1c, 2a, 9a, 1 NIN

These items are now closed due to not being a repeat or considered a New Item in the new audit instrument.

Total Items: 42  
Not Evaluated: 1 (Item #15)  
Not Applicable: 0  
Reviewed: 41  
Compliant: 34  
Noncompliant: 7(11, 12, 13, 18, 22, 38, 40)  
Observations: 7 (7, 8, 9, 10, 19, 20, 21)  
Initial Audit Score 82.93

## **VI. Areas of Concern**

### **1. Item 11:**

A. The contractor must develop and implement an orientation and training plan and manual which is approved in writing by the State, and which incorporated components from both the Contractor and State's mission and service delivery system. Training must be satisfactorily completed by the employee within 30 days of clearance to enter the facility.

B. A copy of the Contractor's written standards for employee conduct provided to all employees and a signed document in their employee personnel file indicating they received the notification.

**Applicable Policy/Contract Section:** Policy 116.04, Contract A.16.a, Contract A.25.b.

#### **Non-compliance issue:**

A. On 08/31/2022, the Food Services Contract Monitor determined that five (5) of seven (7) employee files reviewed had no documentation to support that the thirty (30) day Aramark orientation and training plan had been initiated or completed.

Seven (7) employee files reviewed, Five (5) non-compliant = 28.58% (threshold 90%)

- A. Genes
- T. Ferguson
- M. Nava
- E. Nava
- C. Moss

B. On 08/31/2022, the Food Services Contract Monitor determined that four (4) of seven (7) employee files reviewed had not received a copy of the Contractor's written standards for

employee conduct.

Seven (7) employee files reviewed, Four (4) non-compliant = 42.86% (threshold 90%)

- A. Genes
- T. Ferguson
- M. Nava
- E. Nava

*Rebuttal: Concur: Thirty-day training forms have been placed in each employee file as of October 19, 2022. Each employee also has their signed handbook notice in their files.*

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

**2. Item 12:**

All on-site providers must attend a security orientation session prior to entering the facility in accordance with State policy as may be revised and ACA standards.

**Applicable Policy/Contract Section:** Contract A.16.a.

**Non-compliance issue:**

On 08/31/2022, the Food Service Contract Monitor determined that four (4) of seven (7) employees did not have documentation to support that the employee attend security orientation prior to entering the facility.

Seven (7) employee files reviewed, Four (4) non-compliant = 42.86% (threshold 90%)

- A. Genes
- T. Ferguson
- M. Nava
- E. Nava

*Rebuttal: Concur: The information with the training dates have been requested from training office but we have not received any documentation verifying the dates of training.*

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

3. **Item 13:**

Non-Security staff screening shall be conducted within the first seven days of employment at the institution. The initial TST will follow the two step process (CR-3300)

**Applicable Policy/Contract Section:** Policy 113.44, Contract A.22.b.

**Non-Compliance Issue:**

On 08/31/2022, the Food Service Contract Monitor determined that Five (5) of five (5) employees did not have documentation to support that the employee was screened for tuberculosis within the first seven days of employment at the institution. (CR-3300)

Five (5) employee files reviewed, Five (5) non-compliant = 0% (threshold 100%)

- A. Genes
- T. Ferguson
- M. Nava
- E. Nava
- C. Moss

*Rebuttal: Concur: TB testing has been completed. A. Genes is no longer with Aramark.*

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

4. **Item 14:**

Annually thereafter, all institutional employees shall receive a tuberculosis screening utilizing the Inmate/Employee Tuberculosis Screening Tool, CR-3628, and a TST.

**Applicable Policy/Contract Section:** Policy 113.44, Contract A.22.b.

**Non-Compliance Issue:**

On 08/31/2022, the Food Service Contract Monitor determined that one (1) of one (1) employee did not have documentation to support that the employee received a tuberculosis screening annually. (CR-3628)

One (1) employee files reviewed, One (1) non-compliant = 0% (threshold 100%)

- V. Marshall

*Rebuttal: Non-Concur: Employee has been out on Long Term Disability since 10/21/21. We are unable to ask the employee to complete a work function while out on disability.*

**TDOC Management Comments:**

**Concur with Rebuttal. This item is no longer a finding.**

**5. Item 18:**

Production-

The temperature of food served to staff and inmates shall be:

- a. 140 degrees F or above for hot food
- b. 41 degrees F or below for potentially hazardous cold food

**Applicable Policy/Contract Section:** Policy 116.05, Contract A.11.

**Non-compliance issue:**

On 08/31/2022, the Food Services Contract Monitor reviewed fifty-six (56) production sheets and determined the following:

Fifty-six (56) production sheets reviewed, Twenty-four (24) non-compliant = 57.14. % (threshold 100%)

- May 20, 2022
  - Main
    - Dinner- no documentation for religious meals
  - Annex
    - Lunch- no documentation for standard meals
    - Dinner- no documentation for standard meals
- May 30, 2022
  - Main
    - Breakfast- no documentation for standard meals
    - Dinner- no documentation for religious meals
- June 10, 2022
  - Main
    - Lunch- no documentation for standard meals
    - Dinner- no documentation for standard meals
- June 25, 2022
  - Main
    - Lunch- no documentation for religious meals
  - Annex

- Lunch- no documentation for standard meals
- July 6, 2022
  - Main
    - Lunch- no documentation for religious meals
    - Dinner- no documentation for religious meals
  - Annex
    - Dinner- no documentation for religious meals
- August 1, 2022
  - Main
    - Breakfast- no documentation for standard meals and religious meals
    - Lunch- no documentation for standard meals and religious meals
    - Dinner- no documentation for standard meals and religious meals
  - Annex
    - Breakfast- no documentation for standard meals and religious meals
    - Lunch- no documentation for standard meals and religious meals
    - Dinner- no documentation for standard meals and religious meals

*Rebuttal: Concur: Since date of the audit, all employees have been trained to ensure paperwork is complete and accurate.*

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

**6. Item 22:**

All menu substitutions shall be documented on the TDOC Substitution Log, CR-4118 by the contract vendor's food service director.

**Applicable Policy/Contract Section:** Policy 116.06, Contract A.38.C.3.

**Non-Compliance Issue:**

On 08/31/2022, the Food Service Contract Monitor determined that the contractor did not document all menu substitutions in July and August 2022.

Five (5) months of menu substitution logs requested, Two (2) non-compliant = 60% (threshold 90%)

*Rebuttal: Concur: Employees have been trained to ensure that, if a substitution is needed, to log*

*the information appropriately.*

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

**7. Item 30:**

Contract vendor will develop and implement an offender vocational training program at all State facilities with fully equipped kitchens.

**Applicable Policy/Contract Section:** Contract A.34.b.

**Non-compliance issue:**

On 08/30/2022, the Food Services Contract Monitor was unable to determine that the offender vocational training program had been implemented.

*Rebuttal: Non-Concur: In2Work Program has been active. We just placed on hold due to staffing issues.*

**TDOC Management Comments:**

**Concur with Rebuttal. This item is no longer a finding.**

**8. Item 38:**

All cleaning supplies purchased by the Contractor shall meet approved Tennessee Occupational Safety Health Administration (TOSHA) standards. Written corrective action plans required if standards are not achieved. Safety Data Sheets (SDS) need to accompany all cleaning supplies purchased.

**Applicable Policy/Contract Section:** Policy 112.09, Policy 116.04, Contract A.29.c.

**Non-compliance issue:**

On 08/31/2022, the Food Services Contract Monitor determined during the walk-through visual inspection that there was incomplete documentation/Safety Data Sheets (SDS) to support that all cleaning supplies are being inventoried:

Twenty (20) cleaning product inventory sheets reviewed, Twenty (20) non-compliant = 0% (threshold 100%)

- The inventory (CR-3154) documentation listed quantities that were inaccurate for twenty (20) products that was stored in the chemical closet.

*Rebuttal: Concur: The Fire Safety Officer has assisted with chemical inventories to ensure compliance. The FSD or a designated person is monitoring the levels of all chemicals to ensure the logs are completed correctly.*

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

**9. Item 40:**

The actual Diet Menu served, on a monthly basis, with identification of any menu item changes for the previous month and any substitutions. This documentation must be maintained by the Contractor, and in an accessible area.

**Applicable Policy/Contract Section:** Contract A.38.c.4.

**Non-compliance issue:**

On 08/31/2022, the Food Services Contract Monitor reviewed Eighty (80) meal pattern and diet load sheets and determined the following:

Eighty (80) meal pattern and diet load sheets reviewed, Twenty-eight (35) non-compliant = 56.25% (threshold 90%)

- May 8, 2022
  - Annex
    - No documentation for diet snack
- May 20, 2022
  - Annex
    - No documentation for diet snack
- May 30, 2022
  - Main
    - No documentation for diet snack
  - Annex
    - No documentation for diet snack
- June 10, 2022
  - Annex
    - No documentation for diet snack



- June 25, 2022
  - Annex
    - No documentation for diet snack
- July 6, 2022
  - Annex
    - No documentation for diet snack
- July 18, 2022
  - Main
    - Breakfast- no documentation for meal pattern and diet load
    - Lunch- no documentation for meal pattern and diet load
    - Dinner- no documentation for meal pattern and diet load
    - No documentation for diet snack
- August 1, 2022
  - Main
    - Breakfast- no documentation for meal pattern and diet load
    - Lunch- no documentation for meal pattern and diet load
    - Dinner- no documentation for meal pattern and diet load
    - No documentation for diet snack
  - Annex
    - Breakfast- no documentation for meal pattern and diet load
    - Lunch- no documentation for meal pattern and diet load
    - Dinner- no documentation for meal pattern and diet load
    - No documentation for diet snack
- August 19, 2022
  - Annex
    - Breakfast- no documentation for meal pattern and diet load
    - Lunch- no documentation for meal pattern and diet load
    - Dinner- no documentation for meal pattern and diet load
    - No documentation for diet snack

*Rebuttal: Concur: Since date of the audit all employees have been trained to ensure paperwork is complete and accurate. The FSD, or a designated person, will be monitoring the documentation to ensure future compliance.*

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

**The following are observations this audit period, since the line items are considered new standards on the recently updated contract monitoring instrument.**

## Observations

### **1. Item 7:**

Verify that the vendor provided 19 meals per week at each institution except DSNF where 3 meals are served seven days a week. Three meals Monday - Friday and two meals Saturday and Sunday

**Applicable Policy/Contract Section:** Policy 116.01, Contract A.5.c.3.

### **Non-compliance issue:**

On 08/31/2022, the Food Services Contract Monitor reviewed the production sheets and determined the following:

Fifty-six (56) production sheets reviewed, Eighteen (18) non-compliant = 67.86% (threshold 100%)

- May 20, 2022
  - Main
    - Dinner- no documentation for religious meals
  - Annex
    - Lunch- no documentation for standard meals
    - Dinner- no documentation for standard meals
- May 30, 2022
  - Main
    - Breakfast- no documentation for standard meals
    - Dinner- no documentation for religious meals
- June 10, 2022
  - Main
    - Lunch- no documentation for standard meals
    - Dinner- no documentation for standard meals
- June 25, 2022
  - Main
    - Lunch- no documentation for religious meals
  - Annex
    - Lunch- no documentation for standard meals
- July 6, 2022
  - Main
    - Lunch- no documentation for religious meals
    - Dinner- no documentation for religious meals

- Annex
  - Dinner- no documentation for religious meals
- August 1, 2022
  - Main
    - Breakfast- no documentation for standard meals and religious meals
    - Lunch- no documentation for standard meals and religious meals
    - Dinner- no documentation for standard meals and religious meals
  - Annex
    - Breakfast- no documentation for standard meals and religious meals
    - Lunch- no documentation for standard meals and religious meals
    - Dinner- no documentation for standard meals and religious meals

***Rebuttal:***

N/A

**2. Item 8:**

Meal service records shall be maintained and submitted to the business office by the contract vendor and such records shall include the following information from the number of meals that are served daily and recorded on the Daily Meal Count, CR-0720, or the contract vendor's form (to include inmate, staff and visitors)

**Applicable Policy/Contract Section:** Policy 116.06, Contract A.13.d.1.c.

**Non-compliance issue:**

On 08/31/2022, the Food Services Contract Monitor reviewed the meal count sheets and determined the following:

One hundred thirty-six (136) meal count sheets reviewed, Eighteen (18) non-compliant = 86.76 (threshold 100%)

- May 20, 2022
  - Main
    - Dinner- no documentation for religious meals
  - Annex
    - Lunch- no documentation for standard meals
    - Dinner- no documentation for standard meals
- May 30, 2022
  - Main
    - Breakfast- no documentation for standard meals
    - Dinner- no documentation for religious meals
- June 10, 2022

- Main
  - Lunch- no documentation for standard meals
  - Dinner- no documentation for standard meals
- June 25, 2022
  - Main
    - Lunch- no documentation for religious meals
  - Annex
    - Lunch- no documentation for standard meals
- July 6, 2022
  - Main
    - Lunch- no documentation for religious meals
    - Dinner- no documentation for religious meals
  - Annex
    - Dinner- no documentation for religious meals
- July 18, 2022
  - Main
    - Breakfast- no documentation for therapeutic diets
    - Lunch- no documentation for therapeutic diets
    - Dinner- no documentation for therapeutic diets
- August 1, 2022
  - Main
    - Breakfast- no documentation for standard meals, religious meals, and therapeutic diets
    - Lunch- no documentation for standard meals, religious meals, and therapeutic diets
    - Dinner- no documentation for standard meals, religious meals, and therapeutic diets
  - Annex
    - Breakfast- no documentation for standard meals, religious meals, and therapeutic diets
    - Lunch- no documentation for standard meals, religious meals, and therapeutic diets
    - Dinner- no documentation for standard meals, religious meals, and therapeutic diets
- August 19, 2022
  - Annex
    - Breakfast- no documentation for therapeutic diets
    - Lunch- no documentation for therapeutic diets
    - Dinner- no documentation for therapeutic diets

*Rebuttal:*

N/A

### **3. Item 9:**

The Contractor shall serve the same meals in the staff and inmate dining halls on a daily basis, except the staff dining hall or café, which shall offer an enhanced salad bar for lunch and dinner

- a. Hot meal
- b. Enhanced salad bar

**Applicable Policy/Contract Section:** Policy 116.03, Contract A.14.a.

#### **Non-compliance issue:**

On 08/31/2022, the Food Services Contract Monitor was unable to determine that the Enhanced Salad Bar menu was being utilized because there were no salad bar or premade salads to assess. At the time of the audit, FSD was unaware of the salad bar that is to be offered to staff daily and of the approved salad bar menu.

#### ***Rebuttal:***

N/A

### **4. Item 10:**

All food service staff shall receive training in first aid and CPR and certification in these areas shall be current.

**Applicable Policy/Contract Section:** Policy 116.04, Contract A.17.a.

#### **Non-compliance issue:**

On 08/31/2022, the Food Service Contract Monitor determined that seven (7) of seven (7) employees did not have documentation to support that the employee received training in first aid and CPR.

Seven (7) employee files reviewed, Seven (7) non-compliant = 0% (threshold 100%)

- V. Marshall
- T. Allen
- A. Genes
- T. Ferguson
- M. Nava
- E. Nava

- C. Moss

***Rebuttal:***

N/A

**5. Item 19:**

Holding Temperatures-

The temperature of food served to staff and inmates shall be:

- a. 140 degrees F or above for hot food
- b. 41 degrees F or below for potentially hazardous cold food

**Applicable Policy/Contract Section:** Policy 116.05, Contract A.11.

**Non-compliance issue:**

On 08/31/2022, the Food Services Contract Monitor reviewed fifty-six (56) production sheets and determined the following:

Fifty-six (56) production sheets reviewed, Thirty-two (32) non-compliant = 42.86% (threshold 100%)

- May 20, 2022
  - Main
    - Dinner- no documentation for religious meal temperatures
  - Annex
    - Lunch- no documentation for religious meal temperatures
    - Dinner- no documentation for religious meal temperatures
- May 30, 2022
  - Main
    - Breakfast- no documentation for standard meal and religious meal temperatures
    - Lunch- no documentation for religious meal temperatures
  - Annex
    - Dinner- no documentation for standard meal temperatures
- June 10, 2022
  - Main
    - Breakfast- no documentation for standard meal temperatures
    - Lunch- no documentation for standard meal temperatures
    - Dinner- no documentation for standard meal temperatures
- June 25, 2022

- Main
  - Lunch- no documentation for religious meal temperatures
- Annex
  - Lunch- no documentation for standard meal and religious meal temperatures
- July 6, 2022
  - Main
    - Lunch- no documentation for religious meal temperatures
    - Dinner- no documentation for religious meal temperatures
  - Annex
    - Breakfast- no documentation for religious meal temperatures
    - Lunch- no documentation for religious meal temperatures
    - Dinner- no documentation for religious meal temperatures
- July 18, 2022
  - Main
    - Lunch- no documentation for standard meal temperatures
  - Annex
    - Lunch- no documentation for religious meal temperatures
- August 1, 2022
  - Main
    - Breakfast- no documentation for standard meal and religious meal temperatures
    - Lunch- no documentation for standard meal and religious meal temperatures
    - Dinner- no documentation for standard meal and religious meal temperatures
  - Annex
    - Breakfast- no documentation for standard meal and religious meal temperatures
    - Lunch- no documentation for standard meal and religious meal temperatures
    - Dinner- no documentation for standard meal and religious meal temperatures

***Rebuttal:***

N/A

**6. Item 20:**

Daily Dish Machine Log, CR-3278 shall be used.

**Applicable Policy/Contract Section:** Policy 116.05

**Non-compliance issue:**

On 08/31/2022, the Food Service Contract Monitor reviewed five (5) Daily Dish Machine Logs to determine if the contractor was conducting them daily and if there were any deficiencies reported. The incorrect CR form was being utilized. Of the five (5) reviewed, five (5) did not meet the standard. The documentation provided to review showed improper wash temperatures, improper rinse temperatures, and incorrect amount of sanitizer PPM. Corrective actions were not provided. Five (5) months of Daily Dish Machine Logs reviewed, Five (5) non-compliant = 0% (threshold 90%)

**Rebuttal:**

N/A

**7. Item 21:**

The Three Compartment Sink Log, CR-4191 shall be used.

**Applicable Policy/Contract Section:** Policy 116.05

**Non-compliance issue:**

On 08/31/2022, the Food Service Contract Monitor reviewed five (5) Three Compartment Sink Log to determine if the contractor was conducting them daily and if there were any deficiencies reported. Of the five (5) reviewed, five (5) did not meet the standard. The documentation provided to review showed the wash temp, rinse temp, and sanitizer PPM did not meet the standard and corrective actions were not provided.

Five (5) months of Three Compartment Sink Logs requested, Five (5) non-compliant = 0% (threshold 90%)

**Rebuttal:**

N/A



**B. Conclusion**

I would like to express my appreciation to food services for providing the requested documentation during the site visit.

Sincerely,

**Brittany Benderman, TDOC Contract Monitor**

Pc:

Debbie Inglis, Deputy Commissioner/General Counsel, TDOC

Richard Muckle, Chief of Staff, TDOC

Bo Irvin, Chief Financial Officer, TDOC

Lee Dotson, Assistant Commissioner of Prisons, TDOC

Darren Settles, Deputy Assistant Commissioner of Prisons, TDOC

Kelly Young, Inspector General, TDOC

Lisa Parks, Director of Budget, TDOC

Kristy Carroll-Grimes, Director of Risk Mitigation and Contract Monitoring, TDOC

Bert Boyd, Correctional Administrator, TDOC

Monique Parris-Taylor, Director of Food Services, TDOC

Deborah Barron, Contract Monitor, TDOC

**NOTIFICATION OF NON-COMPLIANCE**

**Location:** West Tennessee State Penitentiary/Women's Therapeutic Residential Center

**TO:** Erik Leto, Jeff Swayze, Daniel Powers, Natalie Dunson

**FROM:** Brittany Benderman, TDOC Contract Monitor

**DATE:** May 26, 2022

**Date of Observation:** April 25-26, 2022 (Cycle 1 Year 6)

**Due Date of Aramark Response:** May 24, 2022

**Date Plan of Corrective Action Received:** May 23, 2022

**Name of TDOC Employee Making Observation:** Brittany Benderman, Contract Monitor

**Dates Audited:**

- October 9, 2021
- October 22, 2021
- November 14, 2021
- November 26, 2021
- December 7, 2021
- December 24, 2021

Reviewed	Compliant	Noncompliant	Overall Compliance Percentage
51	28	23	54.90%

1. **Food Services Contract Compliance Instrument, Item 1b:** All diet trays served shall be recorded. The record shall include at a minimum the inmate name, number, date of meal picked up and type of meal.

**Applicable Policy/Contract Section:** Policy 113.35, 116.01, Contract A.6.b.1.

**Non-compliance issue:**

On 04/25/2022, the Food Services Contract Monitor reviewed daily documentation of all Therapeutic Diet trays that were served, refused or not to be picked up. It was determined that the Therapeutic Diets were not being tracked and recorded on a daily basis. Of the Therapeutic Diets reviewed, there was no supporting documentation provided for the diet trays that were refused or not picked up for the Site 2 for the following dates: **Repeat finding** (report date(s) July 2020, May 2021, August 2021, and October 2021)

- October 09, 2021
- October 22, 2021
- November 14, 2021
- November 26, 2021
- December 7, 2021
- December 24, 2021

**Plan of Corrective Action Response:**

**Concur: The FSD will meet with all Aramark staff and conduct a training session on the requirement to track diet trays, via diet sign in sheet and CR- 1798's, that are refused or picked up by inmates. Target date for training: 6/20/2022.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

- 2. Food Services Contract Compliance Instrument, 1c:** After the Therapeutic Diet order has expired or is cancelled, the contract food services Director/designee shall scan the signed/dated Therapeutic Diet Request, CR-1798 to the health services administrator within two (2) business days. The contract Food Service Director/designee shall sign and date/time to acknowledge receipt of CR-1798.

**Applicable Policy/Contract Section:** Policy 113.35, 116.01, Contract A.6.b.3

**Non-compliance issue:**

On 04/25/2022, the Food Services Contract Monitor reviewed expired/canceled Therapeutic Diet orders. Of the expired/canceled diets reviewed, documentation was not available to determine that the eleven (11) Therapeutic Diets were scanned to the health services administrator within two (2) business days. **Repeat finding** (report date(s) October 2021)

- Site 2
  - Inmate #421483

- Inmate #286323
  - Inmate #453333
  - Inmate #275656
  - Inmate #845490
  - Inmate #256279
  - Inmate #595860
  - Inmate #486514
  - Inmate #600089
  - Inmate #560258
  - Inmate #596243
- 
- Of the reviewed active Therapeutic Diets on file, eleven (11) of the Therapeutic Diets that the contract Food Service Director/designee shall sign, date/time to acknowledge receipt of CR-1798 were incomplete:
    - Site 2
      - Inmate #513883
      - Inmate #532406
      - Inmate #389305
      - Inmate #390916
      - Inmate #163417
      - Inmate #357454
      - Inmate #409212
      - Inmate #270796
      - Inmate #332656
      - Inmate #346169
      - Inmate #332738

**Plan of Corrective Action Response:**

**Concur: Effective immediately, the FSD will ensure that all valid CR-1798's received from medical are signed and dated acknowledging receipt. In addition, all canceled or expired diets will be signed, dated, and emailed to the medical dept within 2 business days.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

3. **Food Services Contract Compliance Instrument, Item 3a:** The Contractor shall provide sack lunches in accordance with the Sack Lunch Menu.

**Applicable Policy/Contract Section:** Contract A.12.

**Non-compliance issue:**

On 04/26/2022, the Food Services Contract Monitor reviewed two (2) sack lunches. Of the two (2) sack lunches reviewed, two (2) did not meet the standard. (Site 2) **Repeat finding** (report date(s) July 2020, May 2021, August 2021, and October 2021)

- Sack lunches require 4 oz meat, 2 oz cheese, 4 slices of bread, 2 packets of mustard, 1 fresh fruit, and 1.5 oz of dessert:
  - One (1) sack lunch included 2 slices of bread and 4 oz meat
  - One (1) sack lunch included 2 slices of bread, 4 oz meat, and 1 apple

**Plan of Corrective Action Response:**

**Concur: The FSD will conduct a training session no later than 5/31/22 with all Aramark staff on the proper requirements for sack lunches.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

4. **Food Services Contract Compliance Instrument, Item 4a:** The Contractor shall use an automated meal count scanner to calculate the number of actual meals served.

**Applicable Policy/Contract Section:** Contract A.13.d.1.a, A.13.d.1.c.

**Non-compliance Issue:**

On 04/25/2022, the Food Services Contract Monitor visually observed that the automatic meal count scanner for the Main was not operational. (Site 2) **Repeat finding** (report date(s) October 2021)

**Plan of Corrective Action Response:**

**Concur: The FSD will contact Aramark service desk and work on getting this scanner operational.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

5. **Food Services Contract Compliance Instrument, Item 5a:** The Contractor shall provide an enhanced salad bar to employees during lunch and dinner in accordance with the Enhanced Salad Bar Menu.

**Applicable Policy/Contract Section:** Contract A.14.a.

**Non-compliance issue:**

On 04/25/2022, the Food Services Contract Monitor reviewed premade salads that were offered to employees for lunch. It was determined that the following menu items were missing:

- Bell peppers
- Pasta
- Croutons

**Plan of Corrective Action Response:**

**Concur: The FSD will conduct a training session no later than 5/31/22 with all Aramark staff on the requirement to follow the enhanced salad bar menu when preparing premade salads.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

6. **Food Services Contract Compliance Instrument, Item 9a:** The Contractor shall provide sufficient qualified personnel for food service operations and, at a minimum, shall abide by and fulfill the staffing pattern for each institution.

**Applicable Policy/Contract Section:** Contract A.18.b

**Non-Compliance Issue:**

On 04/25/2022, the Food Services Contract Monitor reviewed staffing schedules to determine if the staffing pattern requirements were met. Twenty-four (24) positions are required and the

following staff were employed during the following weeks  
reviewed: **Repeat finding** (report date(s) July 2020, May 2021, August 2021 and October 2021)

- October 28<sup>th</sup> through November 3<sup>rd</sup>, 2021
  - Twelve (12) staff employed during schedule week
- November 4<sup>th</sup> through November 10<sup>th</sup>, 2021
  - Eleven (11) staff employed during schedule week
- November 11<sup>th</sup> through November 17<sup>th</sup>, 2021
  - Eleven (11) staff employed during schedule week
- November 18<sup>th</sup> through November 24<sup>th</sup>, 2021
  - Eleven (11) staff employed during schedule week
- November 25<sup>th</sup> through December 1<sup>st</sup>, 2021
  - Twelve (12) staff employed during schedule week
- December 2<sup>nd</sup> through December 8<sup>th</sup>, 2021
  - No schedule provided
- December 9<sup>th</sup> through December 15<sup>th</sup>, 2021
  - No schedule provided
- December 16<sup>th</sup> through December 22<sup>nd</sup>, 2021
  - No schedule provided
- December 23<sup>rd</sup> through December 29<sup>th</sup>, 2021
  - Eighteen (18) staff employed during schedule week
- December 30<sup>th</sup> through January 5<sup>th</sup>, 2022
  - Sixteen (16) staff employed during schedule week
- January 6<sup>th</sup> through January 12<sup>th</sup>, 2022
  - Twenty (20) staff employed during schedule week
- January 13<sup>th</sup> through January 19<sup>th</sup>, 2022
  - Twenty (20) staff employed during schedule week
- January 20<sup>th</sup> through January 26<sup>th</sup>, 2022
  - Eighteen (18) staff employed during schedule week
- January 27<sup>th</sup> through February 2<sup>nd</sup>, 2022
  - Eighteen (18) staff employed during schedule week
- February 3<sup>rd</sup> through February 9<sup>th</sup>, 2022
  - Eighteen (18) staff employed during schedule week
- February 10<sup>th</sup> through February 16<sup>th</sup>, 2022
  - Eighteen (18) staff employed during schedule week
- February 17<sup>th</sup> through February 23<sup>rd</sup>, 2022
  - Eighteen (18) staff employed during schedule week
- February 24<sup>th</sup> through March 2<sup>nd</sup>, 2022
  - Eighteen (18) staff employed during schedule week
- March 3<sup>rd</sup> through March 9<sup>th</sup>, 2022
  - Sixteen (16) staff employed during schedule week

- March 10<sup>th</sup> through March 16<sup>th</sup>, 2022
  - Fourteen (14) staff employed during schedule week
- March 17<sup>th</sup> through March 23<sup>rd</sup>, 2022
  - Fourteen (14) staff employed during schedule week
- March 24<sup>th</sup> through March 30<sup>th</sup>, 2022
  - Fourteen (14) staff employed during schedule week
- March 31<sup>st</sup> through April 6<sup>th</sup>, 2022
  - Fourteen (14) staff employed during schedule week
- April 7<sup>th</sup> through April 13<sup>th</sup>, 2022
  - Fourteen (14) staff employed during schedule week
- April 14<sup>th</sup> through April 20<sup>th</sup>, 2022
  - Fourteen (14) staff employed during schedule week
- April 21<sup>st</sup> through April 27<sup>th</sup>, 2022
  - Eleven (11) staff employed during schedule week

**Plan of Corrective Action Response:**

**Non-Concur: All hiring avenues are being exhausted in the attempt to hire qualified candidates, however, candidates are not applying in the numbers needed to meet the staffing levels stated in the contract. Aramark has instituted numerous tactics to recruit across the state with little success and will continue to place the highest priority on staffing. There is a nationwide staffing shortage across all industries and Aramark is not immune to these shortages.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged. This item remains a finding.**

7. **Food Services Contract Compliance Instrument, 10a:** The Contractor's staff shall be screened for tuberculosis prior to employment.

**Applicable Policy/Contract Section:** Policy 113.44, Contract A.22.a.

**Non-compliance issue:**

On 04/26/2022, the Food Services Contract Monitor determined that four (4) of eleven (11) food service employees had not received a tuberculosis screening:

- Dunson
- Davis
- Frazier



- Vaughn

**Plan of Corrective Action Response:**

**Concur: The four employees have or will schedule their TB test.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

8. **Food Services Contract Compliance Instrument, 10c:** The Contractor shall provide a schedule/documentation of daily inspections of inmate hands and arms for cuts or sores or any other signs of communicable diseases.

**Applicable Policy/Contract Section:** Policy 116.11, Contract A.22.c.

**Non-compliance issue:**

On 04/25/2022, the Food Services Contract Monitor reviewed six (6) dates (11/30/2021, 12/04/2021, 12/09/2021, 12/12/2021, 12/20/2021, and 12/30/2021) to determine that the documentation of daily inspection of inmate hands and arms for cuts and sores or any other signs of communicable diseases was compliant with the Plan of Corrective Action (POCA) submitted for previous quarterly audit (Cycle 4 Year 5). Of the six (6) dates reviewed, six (6) were found non-compliant: **Repeat** finding (report date(s) July 2020, May 2021, August 2021, and October 2021)

- November 30, 2021
- December 4, 2021
- December 9, 2021
- December 12, 2021
- December 20, 2021
- December 30, 2021

**Plan of Corrective Action Response:**

**Concur: The FSD will implement a daily inspection process that documents that all inmate workers are free of cuts, sores, or any other signs of communicable diseases. This process will be implemented by May 31, 2022.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

9. **Food Services Contract Compliance Instrument, Item 13a:** All sharp and cleaning items shall be logged in and out per agency policy.

**Applicable Policy/Contract Section:** Policy 506.03, Contract A.26.b.

**Non-compliance issue:**

On 04/26/2022, the Food Services Contract Monitor determined that there was incomplete documentation of the Tool Control Issue and Turn-In (CR-2026) Tool Control Issue and Turn-In (CR-2026):

- April 24, 2022
  - The following tools were not documented on the tool control issue and turn in that the tools were returned:
    - Two (2) paddles (KA044-1 and KA044)
    - One (1) spatula (KB172-1)

**Plan of Corrective Action Response:**

**Concur: The FSD will conduct a training session no later than 5/31/22 with all Aramark staff on the requirement to complete the CR-2026 for Tool Control Issue and Turn-in.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

10. **Food Services Contract Compliance Instrument, 13e.** The Contractor shall keep a copy of all inmate write-ups and should be kept in a file for review.

**Applicable Policy/Contract Section:** Policy 301.04, Contract A.26.f.

**Non-compliance issue:**

On 04/25/2022 and 04/26/2022, the Food Services Contract Monitor determined that there was no documentation to support the inmate disciplinary reports that had been turned in. A copy of all inmate write-ups should be kept in a file for review. (Site 1 and Site 2) **Repeat finding** (report date(s) August 2021 and October 2021)

**Plan of Corrective Action Response:**

**Concur: Effective May 31, 2022, the FSD will ensure that all documentation to support the inmate disciplinary reports are kept in a file for review as necessary.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

- 11. Food Services Contract Compliance Instrument, Item 15a:** The Contractor shall be responsible for conducting, participating, and passing all sanitation and safety inspections.

**Applicable Policy/Contract Section:** Policy 116.06, Contract A.28.d.

**Non-compliance issue:**

On 04/26/2022, the Food Services Contract Monitor determined there was no Corrective Action Plans from the contractor for December Monthly Inspection. (Site 1 and Site 2) **Repeat finding** (report date(s) July 2020, May 2021, August 2021, and October 2021)

**Plan of Corrective Action Response:**

**Concur: Beginning June 1,2022, the FSD will provide corrective actions to all monthly inspections.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

- 12. Food Services Contract Compliance Instrument, Item 16b:** All cleaning supplies purchased must meet Tennessee Occupational Safety Health Administration (TOSHA) and Safety Data Sheets (SDS) and need to accompany all cleaning supplies purchased. The Contractor shall be responsible for maintaining caustic chemicals as well as all inventories.

**Applicable Policy/Contract Section:** Contract A.26.b, A.29.c.

**Non-compliance issue:**

On 04/26/2022, the Food Services Contract Monitor determined during the walk-through visual

inspection that there was incomplete documentation/Safety Data Sheets (SDS) to support that all cleaning supplies are being inventoried:

- The inventory (CR-3154) documentation listed quantities that were inaccurate for seven (7) products that was stored in the chemical closet. (Site 1)
- The inventory (CR-3154) documentation listed quantities that were inaccurate for six (6) products that was stored in the chemical closet. (Site 2)

**Plan of Corrective Action Response:**

**Concur: The FSD will conduct a training session no later than 5/31/22 with all Aramark staff on the requirement that all chemicals must have a Safety Data Sheet and all cleaning supplies must be accurately inventoried.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

**13. Food Services Contract Compliance Instrument, 17a.** The Contractor shall be responsible for training inmates in the proper methods of food handing and of equipment operations.

**Applicable Policy/Contract Section:** Contract A.33.b, A.33c.

**Non-compliance issue:**

On 04/25/2022, the Food Services Contract Monitor determined the inmate training program consisting of the proper use and sanitation of food service equipment and operation was incomplete for the following inmate files reviewed: **Repeat finding** (report date(s) July 2020, May 2021, August 2021, and October 2021)

- Eight (8) inmate training files were reviewed. Of the eight (8) files reviewed, five (5) were missing the required documentation or did not have a file provided. (Site 2)
  - Inmate #437564- no file
  - Inmate #547681- missing training documentation
  - Inmate #578194- no file
  - Inmate #127544- no file
  - Inmate #561540- missing training documentation

**Plan of Corrective Action Response:**

**Concur: The FSD or designee will ensure that by May 31, 2022, all inmate kitchen workers will have an inmate file containing the required documentation.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

- 14. Food Services Contract Compliance Instrument, Item 18a:** The Contractor shall develop and implement a vocational training program, provide a certificate of completion for successful participants, track the participation and success of the program and provide a quarterly report.

**Applicable Policy/Contract Section:** Contract A.34.a., A.34.b.

**Non-Compliance Issue:**

On 04/26/2022, the Food Services Contract Monitor determined that the contractor is not providing the vocational training program (IN2WORK) at this time. (Site 1 and Site 2) **Repeat finding** (report date(s) August 2021 and October 2021)

**Plan of Corrective Action Response:**

**Concur: The FSD and the In2Work director are working diligently to get the In2Work program running however the kitchen is having a hard time getting enough inmate workers to operate the kitchen therefore the In2Work program is moving slowly until the inmate kitchen workforce is in place, trained, and performing effectively.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

- 15. Food Services Contract Compliance Instrument, Item 19a:** The Contractor will maintain at least a three-day supply of shelf stable meals onsite at the institution

**Applicable Policy/Contract Section:** Policy 116.07, Contract A.36.c.

**Non-compliance issue:**

On 04/26/2022, the Food Services Contract Monitor determined during a walk-through/visual

inspection at the warehouse that the Contingency Menu that is to be kept on site and ready to be fed to inmates and staff in the event of an emergency prohibiting regular food delivery and service was not rotated within required time frame of one (1) year or best by date of food products:

- The following food products were not rotated within the required time frame of one (1) year or best by date:
  - Fifty-one (51) cases of baked beans were stored in the warehouse contingency stock past best by date of March 2022

**Plan of Corrective Action Response:**

**Concur: The cases of baked beans were ordered on April 2, 2022 and received in the warehouse on May 2, 2022.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

**16. Food Services Contract Compliance Instrument, Item 20a:** The Contractor shall maintain documentation of the productions sheets with HACCP information filled out completely per meal bases, including the amount of food prepared, the amount of leftover, and the usage of leftovers.

**Applicable Policy/Contract Section:** Contract A.38.c.1.

**Non-compliance issue:**

On 04/25/2022, the Food Services Contract Monitor reviewed six (6) dates (11/30/2021, 12/04/2021, 12/9/2021, 12/12/2021, 12/20/2021, and 12/30/2021) to determine if the production sheet documentation was compliant with the Plan of Corrective Action (POCA) submitted for previous quarterly audit (Cycle 4 Year 5). Of the six (6) dates reviewed, six (6) were found non-compliant: **Repeat finding** (report date(s) October 2021)

**Site 2**

- November 30, 2021
  - Breakfast, Lunch, and Dinner- religious production sheet and temperature logs not provided
  - Dinner- production sheet and temperature logs not provided
- December 4, 2021
  - Breakfast and Dinner- production sheet and temperature logs not provided
- December 9, 2022

- Lunch- temperature log not provided
- Lunch and dinner- religious production sheet and temperature logs not provided
- December 12, 2021
  - Lunch- temperature log not provided
- December 20, 2021
  - Breakfast, Lunch, and Dinner- production sheet and temperature logs not provided
- December 30, 2021
  - Breakfast, Lunch, and Dinner- production sheet and temperature logs not provided

**Plan of Corrective Action Response:**

**Concur: Effective immediately, the FSD will meet with all Aramark staff to reemphasize the requirement for accurate completion of production sheets. In addition, the FSD or designee will be reviewing all production paperwork at time of completion to ensure compliance.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

- 17. Food Services Contract Compliance Instrument, Item 20c:** The Contractor shall provide documentation of the actual Standardized Menu served. Policy 116.06: The contract vendor food service director at all sites including TCA will review the menus quarterly to verify adherence to the cycle menu and portion size. The contract food service director will document the beginning and ending date of the menu cycle as it was served for the quarter. The contract food service director will provide documentation on a quarterly basis by initialing and dating on the appropriate quarterly menu review at the bottom left hand side of the Standardized Heart Healthy Menu. Any menu substitution shall be documented on the contract vendor's Weekly TDOC Substitution Log. The Weekly TDOC Substitution Log, CR-4118, for the quarter being verified, shall accompany the quarterly menu review. The quarterly menu review and all supporting documentation shall be filed in the food service director's annual inspection file by the 10th business day of the following quarter and emailed to the fiscal director at each site.

**Applicable Policy/Contract Section:** Contract A.38.c.3, Policy 116.06

**Non-Compliance Issue:**

On 04/25/2022, the Food Services Contract Monitor reviewed the October, November, December 2021 As-Run Menu's and determined the following: **Repeat finding** (report date(s) October 2021)

- The quarterly As-Run menu review and all supporting documentation determined that the documentation was incomplete and were not emailed to the Fiscal Director by the 10<sup>th</sup> business day of the following quarter. (Site 2)

**Plan of Corrective Action Response:**

**Concur: Beginning July 1, 2022, the FSD or designee will ensure that quarterly As-Run menus are reviewed, signed and sent to the Fiscal Director within 10 business days of the following quarter.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

- 18. Food Services Contract Compliance Instrument, 20d:** The Contractor shall maintain comprehensive records to include the actual Diet Menu served, on a monthly basis, with identification of any menu item changes for the previous month and any substitutions. **Repeat finding** (report date(s) July 2020, May 2021, August 2021, and October 2021)

**Applicable Policy/Contract Section:** Contract A.38.c.

**Non-compliance issue:**

On 04/25/2022, the Food Services Contract Monitor reviewed six (6) dates (11/30/2021, 12/04/2021, 12/9/2021, 12/12/2021, 12/20/2021, and 12/30/2021) to determine if the actual Diet Menu documentation was compliant with the Plan of Corrective Action (POCA) submitted for previous quarterly audit (Cycle 4 Year 5). Of the six (6) dates reviewed, six (6) were found non-compliant:

**Site 2**

- November 30, 2021
  - Breakfast, Lunch, and Dinner- no meal pattern/diet load sheet documentation provided
- December 4, 2021
  - Breakfast, Lunch, and Dinner- no meal pattern/diet load sheet documentation provided
- December 9, 2021
  - Pre-dialysis Meal Pattern sheet not utilized
  - Finger Food Meal Pattern sheet not utilized
  - Snack Diet Load sheet- no documentation
- December 12, 2021



- Pre-dialysis Meal Pattern sheet not utilized
- Finger Food Meal Pattern sheet not utilized
- Snack Diet Load sheet- no documentation
- December 20, 2021
  - Breakfast, Lunch, and Dinner- no meal pattern/diet load sheet documentation provided
- December 30, 2021
  - Breakfast, Lunch, and Dinner- no meal pattern/diet load sheet documentation provided
  - Snack- no documentation

**Plan of Corrective Action Response:**

**Concur: The FSD will implement a process that ensures that the Diet Load Sheets and Meal Pattern Sheets are present and accurately documented during diet preparation. Training of all Aramark staff and inmate diet cooks on this process will be completed by May 31, 2022.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

- 19. Food Services Contract Compliance Instrument, 20f:** The Contractor shall maintain all records and documents indicating the total meal count with all back-up documents.

**Applicable Policy/Contract Section:** Policy 116.06, Contract A.38.c.7.

**Non-compliance issue:**

On 04/25/2022, the Food Services Contract Monitor reviewed six (6) dates (11/30/2021, 12/04/2021, 12/9/2021, 12/12/2021, 12/20/2021, and 12/30/2021) to determine if the documentation provided for meal counts and all back-up documentation was compliant with the Plan of Corrective Action (POCA) submitted for previous quarterly audit (Cycle 4 Year 5). Of the six (6) dates reviewed, six (6) were found non-compliant: Repeat finding (report date(s) October 2021)

**Site 2**

- November 30, 2021
  - Breakfast, Lunch, and Dinner- no documentation provided for employee signatures for staff meals
- December 4, 2021
  - Breakfast, Lunch, and Dinner- no documentation provided for meal count sheet,

tray count sheet, and employee signatures for staff meals

- December 9, 2021
  - Lunch and Dinner- no documentation provided for meal count sheet, tray count sheet, and employee signatures for staff meals
- December 12, 2021
  - Breakfast, Lunch, and Dinner- no documentation provided for employee signatures for staff meals
- December 20, 2021
  - Breakfast, Lunch, and Dinner- no documentation provided for meal count sheet, tray count sheet, and employee signatures for staff meals
- December 30, 2021
  - Breakfast, Lunch, and Dinner- no documentation provided for meal count sheet, tray count sheet, and employee signatures for staff meals

**Plan of Corrective Action Response:**

**Concur: Effective May 31, 2022, the FSD will ensure that meal counts submitted to Fiscal office are complete with backup documentation to support the counts.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

**20. Food Services Contract Compliance Instrument, 20h.** The contractor will conduct and participate in sanitation and safety inspections.

**Applicable Policy/Contract Section:** Policy 116.05, Contract A.38.c.12.

**Non-compliance issue:**

On 04/25/2022, the Food Services Contract Monitor reviewed six (6) dates (11/30/2021, 12/04/2021, 12/09/2021, 12/12/2021, 12/20/2021, and 12/30/2021) to determine if the daily and weekly inspections documentation was compliant with the Plan of Corrective Action (POCA) submitted for previous quarterly audit (Cycle 4 Year 5). Of the six (6) dates reviewed, six (6) were found non-compliant: (Site 2) **Repeat finding** (report date(s) October 2021)

- November 30, 2021
- December 4, 2021
- December 9, 2021

- December 12, 2021
- December 20, 2021
- December 30, 2021

**Plan of Corrective Action Response:**

**Concur: The FSD or designee will ensure weekly sanitation inspections occur beginning week of May 23, 2022.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

- 21. Food Services Contract Compliance Instrument, 22a:** The contractor shall maintain time records for each inmate participating in the food service work program and supervisors shall be responsible for entering number of hours worked by inmates in OMS section pertaining to inmate attendance.

**Applicable Policy/Contract Section:** Policy 116.11, 504.04, Contract A.40.

**Non-compliance issue:**

On 04/25/2022, the Food Services Contract Monitor reviewed the documentation provided and it was determined that the contract vendor was not entering time records into the OMS for the actual amount of time that the inmate worked in food service. (Site 2) **Repeat finding** (report date(s) October 2021)

- November 30, 2021
- December 4, 2021
- December 9, 2021
- December 12, 2021
- December 20, 2021
- December 30, 2021

**Plan of Corrective Action Response:**

**Concur: The FSD will get with WTSP personnel and acquire the necessary Etomis access to begin entering inmate pay as soon as possible.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

- 22. Food Services Contract Compliance Instrument, 23a:** The Contractor will provide a sample meal tray for each meal. Sample trays will 100% meet quality and temperature standard: i. Standardized Menu is followed, ii. Tray is complete, iii. Portion sizes are correct. The Contract vendor shall portion the food items in the sample meal tray, record the temperature of foods, then cover the tray with film, record the date and document the specific meal. The sample tray shall then be placed in the refrigerator for seventy-two (72) hours.

**Applicable Policy/Contract Section:** Contract A.42a., Policy 116.01

On 04/26/2022, the Food Services Contract Monitor determined during the walk-through visual inspection that the sample meal trays for each meal did not support the following for the standardized menu. **Repeat finding** (report date(s) October 2021)

**Site 2**

- 04/24/2022
  - Breakfast
    1. A six (6) ounce serving of gravy is required and not provided
    2. A one-sixty (1/60) cut serving of coffeecake is required and not provided
- 04/25/2022
  - Breakfast
    1. Peppers and onions required with the one (1) cup serving of hash browns and not provided
    2. A six (6) inch flour tortilla is required and not provided
    3. A one (1) ounce of salsa is required and not provided
- 04/26/2022
  - Lunch
    1. A one-sixty (1/60) cut serving of lemon cake is required and not provided

**Plan of Corrective Action Response:**

**Concur: The FSD will conduct a training session no later than 5/31/22 with all Aramark staff on the requirement that sample trays consist of all items listed on the appropriate menu.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

23. **Food Services Contract Compliance Instrument, 23b.** The contractor shall conduct monthly surveys of inmates that represent 25% of the institution's population to determine food preferences.

**Applicable Policy/Contract Section:** Policy 116.06, Contract A.42.b.

**Non-compliance issue:**

On 04/26/2022, the Food Service Contract Monitor determined that the contractor did not conduct monthly inmate surveys in October, November, and December 2021. (Site 2) **Repeat finding** (report date(s) October 2021)

**Plan of Corrective Action Response:**

**Concur: Beginning June 1, 2022, the FSD will ensure that monthly inmate surveys are completed as required.**

**TDOC Management Comments:**

**The Plan of Corrective Action has been acknowledged.**

**Observations:**

1. **Food Services Contract Compliance Instrument, 7a:**

The Contractor must develop and implement a training plan and training must be satisfactorily completed by the employee within thirty (30) days of clearance to enter the facility.

**Applicable Policy/Contract Section:** Contract A.16.a., A.16.b.

**Non-compliance issue:**

On 04/26/2022, the Food Services Contract Monitor determined that five (5) of eleven (11) employee files reviewed had no documentation to support that the thirty (30) day Aramark orientation and training plan had been initiated or completed for the following Aramark employees: **Repeat finding** (report date(s) October 2021)

- Vaughn
- Dunson
- Davis
- Tackett
- C. Johnson

2. **Food Services Contract Compliance Instrument, 7b:** The Contractor's staff must attend a security orientation prior to entering the facility.

**Applicable Policy/Contract Section:** Contract A.16.c.

**Non-compliance issue:**

On 04/26/2022, the Food Services Contract Monitor determined that seven (7) of eleven (11) employees did not have documentation to support that the employee attended TDOC orientation. **Repeat finding** (report date(s) May 2021, August 2021, and October 2021)

- Vaughn
- Dunson
- Davis
- Tackett
- Robinson
- Jackson
- Williamson

3. **Food Services Contract Compliance Instrument, 8b:** The Contractor's staff shall be familiar with applicable State policies and procedure, rules and regulations.

**Applicable Policy/Contract Section:** Contract A.17.a.

**Non-compliance issue:**

On 04/26/2022 it was determined that seven (7) of eleven (1) employees did not have documentation to support that the employee attended yearly TDOC training that provides information in regard to applicable State policies and procedures, rules and regulations. **Repeat finding** (report date(s) July 2020, May 2021, August 2021, and October 2021)

- Vaughn
- Dunson
- Davis

- Tackett
- Robinson
- Jackson
- Williamson

4. **Food Services Contract Compliance Instrument, 12a.** The Contractor shall provide a copy of their written standards for employee conduct to all employees. A signed document shall be kept in their employee personnel file indicating they received the notification.

**Applicable Policy/Contract Section:** Contract A.25.b.

**Non-compliance issue:**

On 04/26/2022 the Food Services Contract Monitor determined that there was no signed documentation in four (4) of the current employees' file to support that the contract vendor employees had received the contractor's written standards for employee conduct. **Repeat finding** (report date(s) October 2021)

- Vaughn
- Dunson
- Davis
- Tackett

5. **Food Services Contract Compliance Instrument, 24a.** The contractor employees are subject to a pre-employment drug screening. Employee drug test results, along with proof of consent, must be maintained in the contractor employee files.

**Applicable Policy/Contract Section:** Contract A.50.

**Non-compliance issue:**

On 04/26/2022, the Food Service Contract Monitor determined that five (5) contractor staff did not have documentation of drug screening: **Repeat finding** (report date(s) August 2021 and October 2022)

- Vaughn
- Dunson
- Davis
- C. Johnson
- Tackett

**Action taken by TDOC Contract Monitor:**

- On 04/26/2022, Warden Fitz, AWS Rose, Fiscal Director Thompson, Chief of Security Rogers, Captain Middleton, Aramark Food Service Director Dunson and Aramark Food Service Manager Hayes were advised of the non-compliance in person via close out meeting.

Pc:

Chuck Taylor, Deputy Commissioner/Chief of Staff, TDOC

Debbie Inglis, Deputy Commissioner/General Counsel, TDOC

Bo Irvin, Chief Financial Officer, TDOC

Lee Dotson, Assistant Commissioner of Prisons, TDOC

Kelly Young, Inspector General, TDOC

Kristy Carroll-Grimes, Director of Risk Mitigation and Contract Monitoring, TDOC

Trinity Minter, Correctional Administrator, TDOC

Johnny Fitz, Warden, TDOC

Stanley Dickerson, Warden, TDOC

Chris Thompson, Fiscal Director, TDOC

Monique Parris-Taylor, Director of Food Services, TDOC

Deborah Barron, Contract Monitor, TDOC