



Health Department of Northwest Michigan

serving Antrim, Charlevoix, Emmet, and Otsego Counties

www.nwhealth.org

MEMORANDUM

Date: February 5, 2009

To: Licensed Food Service Establishment operators/ Person-in-Charge (PIC)

From: Michael Jones, RS

Subject: Food Code regulations regarding employee health

The Health Department of Northwest Michigan recently received an accreditation review from the Michigan Department of Agriculture (MDA) for our food service program. While our program overall was found to be in accordance with the minimum program requirements (MPR) established by MDA, one MPR was determined to have not been met. This MPR relates to the incidence of any particular critical violation occurring in a certain percentage of facilities.

During our evaluation MDA noted that a majority of the facilities reviewed were in violation of one or more of the employee health related critical items. The Food and Drug Administration (FDA) Food Code outlines the requirements for issues relating to employee health. These issues include the employee reporting to the employer of past, current or exposure to certain illnesses, onset of certain symptoms, reporting of employees with certain illness to the regulatory authority by the person-in-charge (PIC) and procedures for exclusion or restriction of employees with certain illnesses or symptoms.

It is the responsibility of the PIC(s) to demonstrate knowledge of and to follow the steps necessary to comply with these requirements. Failure to demonstrate knowledge or comply with the reporting/exclusion requirements is a critical violation. Critical violations are generally given a maximum of 10 days for correction. Failure to correct a critical violation in a given amount of time can result in repeat inspection fees, informal/formal hearings and/or closure of your facility.

As part of the Corrective Plan of Action (CPA) that this agency has presented to the MDA, we are providing you with material to aid you in becoming knowledgeable in and develop a program to comply with the requirements of the FDA Food Code. Enclosed are several documents that either contain information for you or are forms that you can use to collect employee health information and document employee notification of his or her responsibility to report certain illness related situations. Enclosed are the following documents:

- A copy of the requirements of the FDA Food Code, Subpart 2-201.
- “ Food Employee Health” , an educational document.
- “ Applicant and Food Employee Interview, Form 1A” , for collecting necessary information when conditional employment is offered to a job applicant.
- “ Food Employee Reporting Agreement, Form 1B” , documentation that employee is informed of his/her illness reporting obligations.
- “ Applicant and Food Employee Medical Referral, Form 1C” , used when referring an employee or potential employee to a physician for evaluation. A physician’s Reference sheet is included also.
- “ 2005 Food Code Exclusions and Restrictions” , outlines requirements for exclusions and restrictions of employees with certain symptoms/diagnosed illnesses.

An additional component of our CPA is that the agency food staff will be instructed to emphasize employee health related issues during routine inspections. If it is determined that the PIC is not knowledgeable with the requirements or an acceptable program for employee notification is not in place, a critical violation will be cited with a time of correction specified.

To avoid potential issues with having a critical violation cited during inspection of your facility, please become familiar with the information provided and implement a notification program for your employees. Food employees who have been exposed to, have contracted or are showing symptoms of an illness that can be transmitted through food are not only a potential threat to the public health but to your business as well. Your assistance with this matter will be appreciated. If you have any questions regarding this matter or with the requirements of the Food Code, please feel free to contact your food program sanitarian. Thank you!

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