

MEMORANDUM

TO: Members of House General, Housing and Military Affairs Committee

FROM: Harry Chen, MD, Commissioner of Health 

RE: Follow-Up to Testimony on S.213

DATE: April 17, 2014

The following information is provided in response to your request for additional information following testimony on April 17, 2014

Has the Department of Health issued any violations related to food service workers working while ill? If so, how many?

The Vermont Department of Health conducts unannounced inspections that document observations at a single point in time.

A quick look in our inspection data found 24 violations of Item 11 "Personnel with Infectious Conditions Restricted/Excluded" during food service inspections conducted between calendar years 2010-2013 (out of a denominator of 15,633 food service inspection records). This is a critical violation and must be corrected immediately at the time of inspection before the inspector leaves the premises.

Is there any requirement in the regulations for a supervisor to assess whether an employee is ill and send them home? Is there an expectation that a supervisor will send home an employee who is ill?

Yes, it is the responsibility of the Person in Charge (supervisor) to exclude employees who are experiencing illness from working with food or equipment. Employees are responsible for reporting illness to supervisors. Supervisors can observe demonstrated symptoms of illness in employees, and must also have an understanding and agreement with staff that employees are responsible for reporting less obvious symptoms to a supervisor (diarrhea, for example).



From the *Health Regulations for Food Service Establishments*:

“The licensee shall require food employee applicants to whom a conditional offer of employment is made and food employees to report to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food. A food employee or applicant shall report the information in a manner that allows the person in charge to prevent the likelihood of foodborne disease transmission...”

C. Demonstration of Knowledge.

Based on the risks of foodborne illness inherent to the food operation, during inspections and upon request, the person in charge shall demonstrate to the regulatory authority knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point principles, and the requirements of these regulations.

The person in charge shall demonstrate this knowledge by compliance with these regulations, by being a certified food protection manager who has shown proficiency of the required information through passing a test that is part of an accredited program, or by responding correctly to the inspector's questions as they relate to the specific food operation. The areas of knowledge include:

- 1. Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;*
- 2. Explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;*
- 3. Describing the symptoms associated with the diseases that are transmissible through food;”*

