

290-5-14-.03 Management and Personnel.

(1) Demonstration of Knowledge. Based on the risk of foodborne illness inherent to the food service operation, during inspections and upon request the person in charge shall demonstrate to the Health Authority knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point principles, and the requirements of this Chapter. The person in charge shall demonstrate this knowledge by:

(a) **Compliance with Code.** Complying with this Code by having no violations of Risk Factor and/or Public Health Intervention provisions during the current inspection;

(b) **Certified Food Protection Manager.** Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; or

(c) **Correct Answers to Food Safety Questions.** 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;

4. Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food (time/temperature control for safety food) and the prevention of foodborne illness;

5. Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;

6. Stating the required food temperatures and times for safe cooking of potentially hazardous food (time/temperature control for safety food) including meat, poultry, eggs, and fish;

7. Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food (time/temperature control for safety food);

8. Describing the relationship between the prevention of foodborne illness and the management and control of the following:

290-5-14-.03 Management and Personnel. (1) Demonstration of Knowledge. (c) Correct Answers to Food Safety Questions. 8. (cont.)

- (i) Cross contamination,
 - (ii) Hand contact with ready-to-eat foods,
 - (iii) Handwashing, and
 - (iv) Maintaining the food service establishment in a clean condition and in good repair;
9. Describing foods identified as major food allergens and the symptoms major food allergen could cause in a sensitive individual who has an allergic reaction;
10. Explaining the relationship between food safety and providing equipment that is:
- (i) Sufficient in number and capacity, and
 - (ii) Properly designed, constructed, located, installed, operated, maintained, and cleaned;
11. Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
12. Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
13. Identifying poisonous or toxic materials in the food service establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;
14. Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Chapter;
15. Explaining the details of how the person in charge and food employees comply with the HACCP plan if a plan is required by the law, this Chapter, or an agreement between the Health Authority and the food service establishment;
16. Explaining the responsibilities, rights, and authorities assigned by this Chapter to the:
- (i) Food employee,
 - (ii) Conditional employee,
 - (iii) Person in charge,
 - (iv) Health Authority; and

290-5-14-.03 Management and Personnel. (1) Demonstration of Knowledge. (c) Correct Answers to Food Safety Questions. (cont.)

17. Explaining how the person in charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of food employees.

(2) Responsibilities of the Person in Charge (PIC). A person in charge shall be on the premises of the food service establishment at all times and shall ensure that:

(a) Operations not Conducted in Private Home. Food service establishment operations are not conducted in a private home or in a room used as living or sleeping quarters;

(b) Authorized Personnel Access. Persons unnecessary to the food service establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination;

(c) Authorized Persons Compliance. Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this Chapter;

(d) Employee Handwashing. Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;

(e) Monitoring of Receiving. Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;

(f) Proper Cooking Techniques. Employees are properly cooking potentially hazardous food (time/temperature control for safety food), being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated.

(g) Proper Cooling Methods. Employees are using proper methods to rapidly cool potentially hazardous foods (time/temperature control for safety food), that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;

(h) Consumer Food Safety. Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed that the food is not cooked sufficiently to ensure its safety;

(i) Proper Sanitizing. Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing;

290-5-14-.03 Management and Personnel. (2) Responsibilities of the Person in Charge (PIC).
(cont.)

(j) **Clean Tableware.** Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets;

(k) **Bare Hand Contact.** Employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;

(l) **Food Safety Training.** Employees are properly trained in food safety as it relates to their assigned duties;

(m) **Reporting Responsibilities.** Food employees and conditional employees are informed of their responsibility to report in accordance with law, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food; and

(n) **Imminent Health Hazard.** If an imminent health hazard exists because of an emergency such as a fire, flood, interruption of electrical or water service for two (2) or more hours, sewage malfunction, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health, then operations are immediately discontinued and the Health Authority is notified.

(3) Certified Food Safety Manager.

(a) **Food Safety Manager Certification.** Within two (2) years of the implementation date of this Chapter, each existing food service establishment shall have in its employ a Certified Food Safety Manager (CFSM). Facilities permitted after the implementation date of this Chapter shall be immediately subject to the requirements herein.

(b) **Certification Requirements / Exemptions.** Each food service establishment shall have an owner or at least one food service manager on staff, designated for that one establishment only, who has successfully completed a food safety training program approved by the Department and passed a professionally validated CFSM examination that is accredited by the Conference for Food Protection or other accrediting agency as conforming to national standards for organizations that certify individuals. Acceptable training programs may include, but not be limited to, classroom, CD-ROM, internet based, or other suitable method of training delivery. Certified Food Safety Managers must maintain and renew certification in accordance with the requirements of the examination taken.

1. *The following operations are not required to have a certified owner or manager:*

(i) *A mobile food service unit that does not process foods;*

(ii) *Food service establishments that serve non-potentially hazardous foods which require limited preparation, or those potentially hazardous foods which have been previously prepared in a permitted food service establishment; and*

290-5-14-.03 Management and Personnel. (3) Certified Food Safety Manager. (b) Certification Requirements / Exemptions. (cont.)

(iii) *Temporary food service establishments in accordance with Rule .08 subsection (2)(a) of this Chapter.*

2. A food service establishment will have ninety (90) days from the date of initial permit issuance, change of ownership permit issuance, or termination of employment of its CFSM to employ a new CFSM.

3. A food service establishment that operates without a CFSM shall notify the Health Authority within thirty (30) days of the date that the establishment ceases to employ a CFSM with the name and certification number of the former CFSM and measures being taken to designate a new CFSM. Measures shall include:

(i) Hiring a new CFSM;

(iii) Designating an existing employee who is enrolled in an approved CFSM training course;
or

(iii) Hiring a new employee who is enrolled in an approved CFSM training course.

(c) Certification Documentation.

1. The original CFSM certificate shall be posted in public view in each food service establishment. An additional copy shall be retained on file at the food service establishment at all times, and shall be made available for inspection by the Health Authority.

2. A CFSM certificate which has expired, been revoked or suspended shall not be posted in the food service establishment.

3. All licenses, certificates, diplomas, or other similar credentials issued or granted to an owner or operator who has successfully completed an approved or accredited food safety certification course and exam shall expire on the expiration date determined by the credentialing organization. Within ninety (90) days of the expiration of the CFSM certificate, the CFSM shall enroll in an approved food safety training course, pass an approved exam and obtain a new certificate.

4. The certification is not transferable between persons.

(d) Certified Food Safety Manager Responsibility.

1. The responsibility of the CFSM shall include the safety of food preparation and service by ensuring that all employees who handle, or have responsibility for handling, unpackaged foods of any kind, have sufficient knowledge of safe preparation and service of the food. The nature and extent of the knowledge that each employee is required to have may be tailored, as appropriate, to the employee's duties related to food safety issues.

2. The CFSM shall:

290-5-14-.03 Management and Personnel. (3) Certified Food Safety Manager. (d) Certified Food Safety Manager Responsibility. 2. (cont.)

- (i) Be the person-in-charge when he is on the premises of the food service establishment and shall designate someone else to be the person in charge when he is not on the premises;
- (ii) Supervise and instruct food service employees in the techniques of sanitary food handling and proper maintenance of the facility;
- (iii) Offer a training program for his / her employees to satisfy employee proficiency in their job responsibilities for food safety;
- (iv) Communicate with representatives of the Health Authority about the effectiveness of employee training programs; and
- (v) Assess training needs of the food service employees and request formal training as needed.

(4) Employee Health.

(a) **Requirement to Report Symptoms, Diagnosis and History of Exposure.** The permit holder shall require food employees and conditional employees to report to the CFSM and person in charge, information about their health and activities as they relate to diseases that are transmissible through food. A food employee or conditional employee shall report the information in a manner that allows the CFSM and person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food employee or conditional employee:

1. Has any of the following symptoms:

- (i) Vomiting,
- (ii) Diarrhea,
- (iii) Jaundice,
- (iv) Sore throat with fever, or
- (v) A lesion containing pus such as a boil or infected wound that is open or draining and is:

(I) On the hands or wrists, *unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover,*

(II) On exposed portions of the arms, *unless the lesion is protected by an impermeable cover, or*

(III) On other parts of the body, *unless the lesion is covered by a dry,*

290-5-14-.03 Management and Personnel. (4) Employee Health. (a) Requirement to Report Symptoms, Diagnosis and History of Exposure. (cont.)

durable, tight-fitting bandage;

2. Has an illness diagnosed by a health practitioner due to:

- (i) Norovirus,
- (ii) Hepatitis A virus,
- (iii) *Shigella spp.*,
- (iv) Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*, or
- (v) *Salmonella Typhi*;

3. Had a previous illness, diagnosed by a health practitioner, within the past three (3) months due to *Salmonella Typhi*, without having received antibiotic therapy, as determined by a health practitioner;

4. Had been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food employee or conditional employee consumed or prepared food implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:

- (i) Norovirus within the past 48 hours of the last exposure,
- (ii) Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*, or *Shigella spp.* within the past three (3) days of the last exposure,
- (iii) *Salmonella Typhi* within the past 14 days of the last exposure, or
- (iv) Hepatitis A virus within the past 30 days of the last exposure; or

5. Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual who works or attends a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:

- (i) Norovirus within the past 48 hours of the last exposure,
- (ii) Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*, or *Shigella spp.* within the past three (3) days of the last exposure,
- (iii) *Salmonella Typhi* within the past 14 days of the last exposure, or
- (iv) Hepatitis A virus within the past 30 days of the last exposure.

290-5-14-.03 Management and Personnel. (4) Employee Health. (cont.)

(b) **Responsibility of Person in Charge to Notify the Health Authority.** The CFSM or person in charge shall notify the Health Authority when a food employee is:

1. Jaundiced, or
2. Diagnosed with an illness due to Norovirus, Hepatitis A virus, *Shigella* spp., Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*, or *Salmonella* Typhi.

(c) **Person in Charge's Responsibility to Prohibit a Symptomatic Conditional Employee.** The person in charge shall ensure that a conditional employee:

1. Who exhibits or reports a symptom, or who reports a diagnosed illness as specified under subsection (4)(a)1 - 3 of this Rule, is prohibited from becoming a food employee until the conditional employee meets the criteria for the specific symptoms or diagnosed illness as specified under subsection (4)(h) of this Rule; and

2. Who will work as a food employee in a food service establishment that serves as a highly susceptible population and reports a history of exposure as specified under subsection (4)(a)4 and 5 of this Rule, is prohibited from becoming a food employee until the conditional employee meets the criteria as specified under subsection (4)(h)9 of this Rule.

(d) **Person In Charge's Responsibility to Exclude or Restrict a Symptomatic Employee.** The person in charge shall ensure that a food employee who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under subsection (4)(a)1 - 5 of this Rule is excluded or restricted and in compliance with a removal, adjustment or retention of an exclusion or restriction.

(e) **Responsibility of Food Employee and Conditional Employee to Report.** A food employee or conditional employee shall report to the person in charge the information as specified under subsection (4)(a) of this Rule.

(f) **Responsibility of Food Employee to Comply.** A food employee shall comply with an exclusion or restriction and with a removal, adjustment or retention of an exclusion or restriction.

(g) **Exclusions and Restrictions.** The person in charge shall exclude or restrict a food employee, from a food service establishment in accordance with the following:

1. *Except when the symptom is from a noninfectious condition*, exclude a food employee if the food employee is:

- (i) Symptomatic with vomiting or diarrhea;
- (ii) Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, *Shigella* spp., or Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*.

290-5-14-.03 Management and Personnel. (4) Employee Health. (g) Exclusions and Restrictions.
(cont.)

2. Exclude a food employee who is:

(i) Jaundiced and the onset of jaundice occurred within the last seven (7) calendar days, *unless the food employee provides to the person in charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;*

(ii) Diagnosed with an infection from hepatitis A virus within 14 calendar days from the onset of any illness symptoms, or within seven (7) calendar days of the onset of jaundice; or

(iii) Diagnosed with an infection from hepatitis A virus without developing symptoms.

3. Exclude a food employee who is diagnosed with an infection from *Salmonella* Typhi, or reports a previous infection with *Salmonella* Typhi within the past three (3) months, without having received antibiotic therapy.

4. Exclude a food employee that works in a food service establishment serving a highly susceptible population who is:

(i) Diagnosed with an infection from Norovirus and is asymptomatic;

(ii) Diagnosed with an infection from *Shigella* spp. and is asymptomatic;

(iii) Diagnosed with an infection from Enterohemorrhagic or Shiga toxin – producing *E. coli*, and is asymptomatic; or

(iv) Ill with symptoms of acute onset of sore throat with fever.

5. Restrict a food employee that works in a food service establishment not serving a highly susceptible population who is:

(i) Diagnosed with an infection from Norovirus and is asymptomatic;

(ii) Diagnosed with an infection from *Shigella* spp. and is asymptomatic;

(iii) Diagnosed with an infection from Enterohemorrhagic or Shiga toxin- producing *E. coli*, and is asymptomatic; or

(iv) Ill with symptoms of acute onset of sore throat with fever.

6. If a food employee is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered, restrict the food employee.

290-5-14-.03 Management and Personnel. (4) Employee Health. (g) Exclusions and Restrictions.
(cont.)

7. If a food employee is exposed to a foodborne pathogen as specified under subsection (4)(a)4 or 5 of this Rule, restrict the food employee who works in a food service establishment serving a highly susceptible population.

(h) Removal, Adjustment, or Retention of Exclusions and Restrictions. The person in charge may remove, adjust, or retain the exclusion or restriction of a food employee according to the following conditions:

1. *Except when a food employee is diagnosed with an infection from hepatitis A virus or Salmonella Typhi:*

(i) Reinstatement of a food employee who was excluded for being symptomatic with vomiting or diarrhea if the food employee:

(I) Is asymptomatic for at least 24 hours; or

(II) Provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition.

(ii) If a food employee was diagnosed with an infection from Norovirus, and excluded for being symptomatic with vomiting or diarrhea:

(I) Restrict the food employee, who is asymptomatic for at least 24 hours and works in a food service establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under 4(i) or (ii), of this subsection are met; or

(II) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food service establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under 4(i) or (ii) of this subsection are met.

(iii) If a food employee was diagnosed with an infection from Shigella, and excluded for being symptomatic with vomiting or diarrhea:

(I) Restrict the food employee, who is asymptomatic for at least 24 hours and works in a food service establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under 5(i) or (ii), of this subsection are met; or

(II) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food service establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under 5(i) or (ii), or 5(i) and 1(iii)(I) of this subsection are met.

290-5-14-.03 Management and Personnel. (4) Employee Health. (h) Removal, Adjustment, or Retention of Exclusions and Restrictions. (cont.)

(iv) If a food service employee was diagnosed with an infection from Enterohemorrhagic or Shiga toxin-producing *Escherichia coli* and excluded for being symptomatic with vomiting or diarrhea:

(I) Restrict the food service employee, who is asymptomatic for at least 24 hours and works in a food service establishment not serving a high susceptible population, until the conditions for reinstatement as specified under 6(i) or (ii) of this section are met; or

(II) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food service establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under (6)(i) or (ii) of this subsection are met.

2. Reinstatement a food employee who was excluded as specified under (4)(g)2 of this Rule if the person in charge obtains approval from the Health Authority and one of the following conditions is met;

(i) The food employee has been jaundiced for more than seven (7) calendar days;

(ii) The anicteric food employee has been symptomatic with symptoms other than jaundice for more than 14 calendar days; or

(iii) The food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a hepatitis A virus infection.

3. Reinstatement a food employee who was excluded for a diagnosis with *Salmonella Typhi*, or a previous infection with *Salmonella Typhi* within the past 3 months without receiving antibiotic treatment if:

(i) The person in charge obtains approval from the Health Authority; and

(ii) The food employee provides to the person in charge written medical documentation from a health practitioner that states the food employee is free from *S. Typhi* infection.

4. Reinstatement a food employee who was excluded for being symptomatic with Norovirus or asymptomatic with Norovirus and working in a food service establishment serving a highly susceptible population or who was restricted for being asymptomatic with Norovirus in a food service establishment not serving a highly susceptible population if the person in charge obtains approval from the Health Authority and one of the following conditions is met:

(i) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a Norovirus infection;

290-5-14-.03 Management and Personnel. (4) Employee Health. (h) Removal, Adjustment, or Retention of Exclusions and Restrictions. (cont.)

(ii) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 48 hours have passed since the food employee became asymptomatic; or

(iii) The food employee was excluded or restricted and did not develop symptoms and more than 48 hours have passed since the food employee was diagnosed.

5. Reinstatement of a food employee who was excluded for being symptomatic with *Shigella* or asymptomatic with *Shigella* and working in a food service establishment serving a highly susceptible population or who was restricted for being asymptomatic with *Shigella* in a food service establishment not serving a highly susceptible population if the person in charge obtains approval from the Health Authority and one of the following conditions is met:

(i) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a *Shigella* spp. infection based on test results showing two (2) consecutive negative stool specimen cultures that are taken:

(I) Not earlier than 48 hours after discontinuance of antibiotics, and

(II) At least 24 hours apart;

(ii) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than seven (7) calendar days have passed since the food employee became asymptomatic; or

(iii) The food employee was excluded or restricted and did not develop symptoms and more than seven (7) calendar days have passed since the food employee was diagnosed.

6. Reinstatement of a food employee who was excluded for being symptomatic with Enterohemorrhagic or Shiga toxin-producing *Escherichia coli* or asymptomatic with Enterohemorrhagic or Shiga toxin-producing *Escherichia coli* and working in a food service establishment serving a highly susceptible population or who was restricted for being asymptomatic with Enterohemorrhagic or Shiga toxin-producing *Escherichia coli* in a food service establishment not serving a highly susceptible population if the person in charge obtains approval from the Health Authority and one of the following conditions is met:

(i) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of an infection from Enterohemorrhagic or Shiga toxin-producing *Escherichia coli* based on test results that show two (2) consecutive negative stool specimen cultures that are taken:

(I) Not earlier than 48 hours after discontinuance of antibiotics; and

(II) At least 24 hours apart;

290-5-14-.03 Management and Personnel. (4) Employee Health. (h) Removal, Adjustment, or Retention of Exclusions and Restrictions. (cont.)

(ii) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than seven (7) calendar days have passed since the food employee became asymptomatic; or

(iii) The food employee was excluded or restricted and did not develop symptoms and more than seven (7) days have passed since the food employee was diagnosed.

7. Reinstate a food employee who was excluded or restricted for being ill with symptoms of acute onset of sore throat with fever if the food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee meets one of the following conditions:

(i) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than 24 hours;

(ii) Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection; or

(iii) Is otherwise determined by a health practitioner to be free of a *Streptococcus pyogenes* infection.

8. Reinstate a food employee who was restricted for a skin lesion containing pus such as a boil or infected wound that was open and draining if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:

(i) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist;

(ii) An impermeable cover on the arm if the infected wound or pustular boil is on the arm; or

(iii) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.

9. Reinstate a food employee who was restricted in a food service establishment serving a highly susceptible population due to exposure to one of the following pathogens as specified under subsection (4)(a)4 or 5 of this Rule:

(i) Norovirus and one of the following conditions is met:

(I) More than 48 hours have passed since the last day the food employee was potentially exposed; or

(II) More than 48 hours have passed since the food employee's household contact became asymptomatic.

290-5-14-.03 Management and Personnel. (4) Employee Health. (h) Removal, Adjustment, or Retention of Exclusions and Restrictions. 9. (cont.)

(ii) *Shigella spp.* or Enterohemorrhagic or Shiga toxin-producing *Escherichia coli* and one of the following conditions is met:

(I) More than three (3) calendar days have passed since the last day the food employee was potentially exposed; or

(II) More than three (3) calendar days have passed since the food employee's household contact became asymptomatic.

(iii) *S. Typhi* and one of the following conditions is met:

(I) More than 14 calendar days have passed since the last day the food employee was potentially exposed; or

(II) More than 14 calendar days have passed since the food employee's household contact became asymptomatic.

(iv) Hepatitis A virus and one of the following conditions is met:

(I) The food employee is immune to hepatitis A virus infection because of a prior illness from hepatitis A;

(II) The food employee is immune to hepatitis A virus infection because of vaccination against hepatitis A;

(III) The food employee is immune to hepatitis A virus infection because of IgG administration;

(IV) More than 30 calendar days have passed since the last day the food employee was Potentially exposed;

(V) More than 30 calendar days have passed since the food employee's household contact became jaundiced; or

(VI) The food employee does not use an alternative procedure that allows bare hand contact with ready-to-eat food through a variance until at least 30 days after the potential exposure, and the food employee receives additional training about:

(A) Hepatitis A symptoms and preventing the transmission of infection,

(B) Proper handwashing procedures, and

(C) Protecting ready-to-eat food from contamination introduced by bare hand contact.

290-5-14-.03 Management and Personnel. (5) Personal Cleanliness.**(5) Personal Cleanliness**

(a) **Clean Condition.** Food employees shall keep their hands and exposed portions of their arms clean.

(b) Cleaning Procedure.

1. Except as specified in 4 of this subsection, food employees shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms for at least 20 seconds, using a cleaning compound in a handwashing sink that is properly equipped.

2. Food employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:

(i) Rinse under clean, running warm water;

(ii) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;

(iii) Rub together vigorously for at least 10 to 15 seconds while:

(I) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure, and

(II) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers;

(iv) Thoroughly rinse under clean, running warm water; and

(v) Immediately follow the cleaning procedure with thorough drying using disposable paper towels, a continuous towel system or a heated-air hand drying device.

3. To avoid recontaminating their hands or surrogate prosthetic devices, food employees may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a handwashing sink or the handle of a restroom door.

4. If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands or surrogate prosthetic devices.

290-5-14-.03 Management and Personnel. (5) Personal Cleanliness (cont.)**(c) When to Wash.**

1. Food employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

(i) After touching bare human body parts other than clean hands and clean, exposed arms;

(ii) After using the toilet room;

(iii) After caring for or handling service animals or aquatic animals;

(iv) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking, except for drinking from a closed beverage container and the container is handled to prevent contamination of the hands;

(v) After handling soiled equipment or utensils;

(iv) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;

(vii) When switching between working with raw food and working with ready-to-eat food;

(viii) Before donning gloves for working with food; and

(ix) After engaging in other activities that contaminate the hands.

2. All employees shall wash hands before leaving the restroom. All food employees leaving the restroom shall wash their hands again upon re-entering the food preparation area.

(d) **Where to Wash.** Food employees shall clean their hands in a handwashing sink or approved automatic handwashing facility and may not clean their hands in a sink used for food preparation or warewashing, or in a service sink or curbed cleaning facility used for the disposal of mop water and similar liquid waste.

(e) Hand Antiseptics.

1. A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:

(i) Comply with one of the following:

(I) Be an approved drug that is listed in the FDA publication, "**Approved Drug Products with Therapeutic Equivalence Evaluations**" as an approved drug based on safety and effectiveness, or

290-5-14-.03 Management and Personnel. (5) Personal Cleanliness. (e) Hand Antiseptics. 1. (i)
(cont.)

(II) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health - Care Antiseptic Drug Products as an antiseptic handwash, and

(ii) Comply with one of the following:

(I) Have components that are exempted from the requirement of being listed in federal food additive regulations as specified in 21 CFR 170.39 - Threshold of regulation for substances used in food-contact articles, or

(II) Comply with and be listed in:

(A) 21 CFR 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers as regulated for use as a food additive with conditions of safe use, or

(B) 21 CFR 182 - Substances Generally Recognized as Safe, 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe for use in contact with food; and

(iii) Be applied only to hands that are clean.

2. If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under 1(ii) of this subsection, use shall be:

(i) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or

(ii) Limited to situations that involve no direct contact with food by the bare hands.

3. A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/L chlorine.

(f) **Fingernails.** Employees shall keep their fingernails clean and trimmed to no longer than the tips of the fingers. *Unless wearing gloves in good repair*, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.

(g) **Jewelry.** *Except for a plain ring such as a wedding band*, while preparing food, food employees may not wear jewelry including medical information jewelry on their arms and hands.

(h) **Clothing.** The outer layer of clothing of all employees shall be clean. Food employee shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linen, and single-service and single-use articles.

290-5-14-.03 Management and Personnel. (5) Personal Cleanliness. (cont.)**(i) Hair Restraints**

1. Employees preparing and/or handling food shall use effective and clean, disposable or easily cleanable nets or other hair restraints approved by the Health Authority, worn properly to restrain loose hair including beards and mustaches longer than one half inch (1/2").

2. This does not apply to employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food, clean utensils and linens and unwrapped single-service and single-use articles.

(j) Hygienic Practices.

1. Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in areas used for equipment or utensil washing and storage, food preparation or food storage. Employees shall only use tobacco products in approved designated areas.

2. Employees shall consume food only in approved designated areas separate from food preparation and serving areas, equipment or utensil areas and food storage areas. *However, drinking from a single service beverage cup with a secure lid and straw that is handled to prevent contamination of the employee's hands, the container, exposed food, clean equipment, utensils and linens, unwrapped single-service and single-use articles will be allowed.*

3. Employees shall handle soiled tableware in a way that minimizes contamination of their hands.

4. Employees shall maintain a high degree of personal cleanliness and shall use good hygienic practices during all working periods in the food service establishment.

5. Food employees experiencing persistent sneezing, coughing, or runny nose that cause discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment; utensils, and linens; or unwrapped single-service articles.

6. Food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in Rule .07 subsection (5)(o)2(ii)-(v). *Food employees with service animals may handle or care for their service animal and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacean in display tanks if they wash their hands as specified in this Rule.*

Authority O.C.G.A. 26-2-373, 31-2-4. Administrative History. Original Rule entitled "Permits Required" was filed and effective on July 19, 1965 as 270-5-6-.03. Amended: Rule repealed and a new Rule entitled "Food Supplies" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.03. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Food Care" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new rule entitled "Management and Personnel" adopted. Filed Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007.