

Proposal Subject Employee Health

Specific NSSP Guide Reference NSSP Guide Model Ordinance Chapters XI, XII, XIII, XIV, XV
.02 G. Control of Employees with Adverse Health Conditions

Text of Proposal/ Requested Action Add new language as follows to Chapters XI, XII, XIII, XIV, XV
.02 Sanitation.

G. Control of Employees with Adverse Health Conditions.

- (1) The dealer **and the person-in-charge** shall take all reasonable precautions to assure that any employee with a disease in the communicable stage which might be transmissible through food shall be excluded from working in any capacity in which the employee may come in contact with the shellfish or with food contact surfaces. The **pathogens causing** diseases which are transmissible from food workers through food are those determined by the U.S. Centers for Disease Control and Prevention, in compliance with the Americans with Disabilities Act, and published in the **Federal Register**. **These include:**
[K]
(a) Norovirus,
(b) Hepatitis A virus,
(c) Shigella spp.,
(d) Enterohemorrhagic or Shiga Toxin-producing *Escherichia coli*, or
(e) Salmonella typhi;
- (2) **The dealer and person-in-charge shall ensure that all employees immediately report to the dealer and/or the person-in-charge information about their health and activities as they relate to diseases that are transmissible through food. All employees shall report the information in a manner that allows the dealer and/or person-in-charge to reduce the risk of shellfish-borne disease transmission, including providing necessary additional information, such as the date of onset of symptoms of an illness, or of a diagnosis without symptoms, or if the employee: [K]**
(a) 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 on any part of the body, or
(b) 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;
(c) Had a previous illness, diagnosed by a health practitioner, within the past 3 months due to Salmonella typhi, without having received antibiotic therapy, as determined by a health practitioner;
(d) Has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the 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 24 hours of the last exposure;
(ii) Enterohemorrhagic or Shiga toxin-producing

- Escherichia coli* or *Shigella* spp. within the past 3 days of the last exposure;
 - (iii) *Salmonella typhi* within the past 14 days of the last exposure;
 - (iv) Hepatitis A virus within the past 30 days of the last exposure; or
 - (e) 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 that 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 24 hours of the last exposure;
 - (ii) Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*, or *Shigella* spp. within the past 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.
- (3) If an employee with an infected wound protects the lesion by keeps keeping it covered with a proper bandage, ~~an~~ a dry, durable, tight-fitting impermeable barrier, and a single-use glove for a hand lesion, the dealer and/or person-in-charge may allow the employee to work in the shellfish processing facility without additional restrictions. [K]
- (4) The dealer and/or person-in-charge shall notify the State Shellfish Control Authority and Health Department when an employee is jaundiced, otherwise symptomatic, or diagnosed with hepatitis, and shall ensure that the employee is excluded from working in any capacity in which the employee may come in contact with the shellfish or with food contact surfaces or that may transmit the illness to other employees. [K]
- (5) The dealer and/or person-in-charge may reinstate an excluded employee under one or more of the following conditions: [K]
 - (a) The employee is recovered from Norovirus illness and more than 24 hours have passed since the employee became completely asymptomatic, or the employee provides the dealer or person-in-charge with written medical documentation from a health practitioner stating that the employee is free of a Norovirus infection with one of the following:
 - (i) Test results show two consecutive negative stool samples taken at least 24 hours apart; or
 - (ii) Otherwise determined by the health practitioner to be free of a Norovirus infection.
 - (b) The employee diagnosed with an infection from Norovirus is now completely asymptomatic, and the employee provides written medical documentation from a health practitioner stating that the employee is free from Norovirus infection with one of the following:
 - (i) Test results show two consecutive negative stool samples taken at least 24 hours apart; or
 - (ii) Otherwise determined by the health practitioner to be free of a Norovirus infection.
 - (c) The employee diagnosed with an infection from Norovirus is completely asymptomatic and without medical documentation, and more than 24 hours have passed since the employee became completely asymptomatic, or the employee never developed symptoms and more than 24 hours have passed since the employee

- was diagnosed.
- (d) Except when diagnosed with an infection from Norovirus, hepatitis A virus, *Salmonella typhi*, *Shigella* spp., or Enterohemorrhagic or Shiga Toxin-producing *Escherichia coli*, and when the employee was excluded because of symptoms of vomiting and/or diarrhea, the employee is asymptomatic for at least 24 hours or provides the dealer and/or person-in-charge with written medical documentation stating the symptom is from a noninfectious condition.
 - (e) When the employee is symptomatic with jaundice or is diagnosed with an infection from hepatitis A virus, one of the following conditions is met:
 - (i) the employee has been jaundiced for more than 7 calendar days;
 - (ii) documentation of test results from a medical practitioner is provided that show falling liver enzymes in at least two consecutive blood tests; or
 - (iii) documentation is provided from a health practitioner otherwise determining the employee to be free of a hepatitis A virus infection.
 - (f) When excluded because of a diagnosis or a previous reported infection of *Salmonella typhi*, the employee provides written medical documentation from a health practitioner stating that the employee is free from *S. typhi* infection;
 - (g) When diagnosed with an infection from *Shigella* spp. and completely asymptomatic, and one of the following conditions is met:
 - (i) The employee provides to the dealer or person-in-charge written medical documentation from a health practitioner stating that the employee is free of a *Shigella* spp. infection based on test results from 2 consecutive stool specimens taken at least 48 hours after discontinuance of antibiotics and taken at least 24 hours apart report negative findings for *Shigella* spp.;
 - (ii) Without medical documentation if all symptoms of vomiting and/or diarrhea have resolved and more than 7 calendar days have passed since the employee became completely asymptomatic, or if the employee never developed symptoms and more than 7 calendar days have passed since the diagnosis.
 - (h) The employee of the dealer that was excluded because of a diagnosis of infection from Enterohemorrhagic or Shiga Toxin-producing *Escherichia coli*, the employee is completely asymptomatic and one of the following conditions is met:
 - (i) The employee provides written medical documentation from a health practitioner stating that the employee is free of an infection from Enterohemorrhagic or Shiga Toxin-producing *Escherichia coli* based on test results showing 2 consecutive negative results for Enterohemorrhagic or Shiga Toxin-producing *Escherichia coli*, from stool specimens occurring at least 24 hours apart, and not earlier than 48 hours after discontinuance of antibiotics;
 - (ii) Without medical documentation if the asymptomatic employee was excluded or restricted after symptoms of vomiting or diarrhea have resolved, and more than 7 calendar days have passed since the employee became asymptomatic, or the asymptomatic employee was excluded or restricted without ever developing symptoms, and more than 7 calendar days have passed since the employee was

diagnosed.

- (i) For an employee of the dealer that was excluded because an illness exhibiting acute sore throat with fever symptoms, the employee provides written medical documentation from a health practitioner stating that the employee meets one of the following conditions:
 - (i) Employee has received antibiotic therapy for *Streptococcus pyogenes* infection, as determined by a health practitioner, for more than 24 hours;
 - (ii) Employee has at least one negative throat specimen culture to *Streptococcus pyogenes* infection; or
 - (iii) Employee is otherwise determined by a health practitioner to be free of a *Streptococcus pyogenes* infection;
- (j) For an employee of the dealer that was excluded because of an unprotected infected wound, cut, or pustular boil, restriction may be removed when the infected wound, cut, or pustular boil is properly covered with one of the following:
 - (i) A dry, durable, tight-fitting, impermeable bandage and a single-use glove is worn over the impermeable cover on the hand, finger or wrist;
 - (ii) A dry, durable, tight-fitting, impermeable bandage is worn over the wound on the arm; or
 - (iii) A dry, durable, tight-fitting, impermeable bandage, is worn over the wound on other parts of the body.
- (k) For an employee of the dealer that was excluded because of exposure to a known foodborne pathogen, restriction may be removed as follows:
 - (i) If exposed to Norovirus, one of the following conditions is met:
 - 1. More than 24 hours have passed since the last day the employee was potentially exposed, or
 - 2. More than 24 hours have passed since the employee's household contact became asymptomatic;
 - (ii) If exposed to *Shigella* spp., or Enterohemorrhagic or Shiga Toxin-producing *Escherichia coli*, one of the following conditions are met:
 - 1. More than 3 calendar days have passed since the last day the employee was potentially exposed, or
 - 2. More than 3 calendar days have passed since the employee's household contact became asymptomatic;
 - (iii) If exposed to *S. typhi*, one of the following conditions are met:
 - 1. More than 14 calendar days have passed since the last day the employee was potentially exposed, or
 - 2. More than 14 calendar days have passed since the employee's household contact became asymptomatic;
 - (iv) If exposed to hepatitis A virus, one of the following conditions are met:
 - 1. More than 30 calendar days have passed since the last day the employee was potentially exposed, or
 - 2. More than 30 calendar days have passed since the employee's household contact became jaundiced.

**Public Health
Significance:**

Current provisions in the Model Ordinance covering employee health do not provide any specific information about the transmissible foodborne diseases of concern, the pathogens that cause these, the associated symptoms upon which reasonable judgments depend, and the actions expected of shellfish dealers and plant managers. This proposal adds specific language to enable reasonable determinations, decisions, and actions to protect shellfish from pathogens and enable the reinstatement of excluded employees. It more clearly and reasonably defines the requirements of the NSSP and provides consistency with the actions expected of other food dealers and vendors by CDC, FDA, and State health authorities, and follows the information prescribed in other cooperative program guidance documents, the 2005 Food Code and the Grade A Pasteurized Milk Ordinance.

**Cost Information
(if available):**

The added guidance does not attach an additional cost for dealers beyond that intended from previous requirements.

**Action by 2005 Task
Force II**

Recommended referral of Proposal 05-213-C to appropriate Committee as determined by the Conference Chairman.

**Action by 2005
General Assembly**

Adopted recommendation of 2005 Task Force II.

Action by USFDA

Concurred with Conference action.