



# POLK COUNTY

## LICENSING AND FOOD NOTES

### Fall 2020

### FOODHANDLERS CERTIFICATION EXAM ONLY REGISTRATION FORM ON LINE



The ServSafe Foodhandlers course is now available online. Since the exam is required to be proctored, we are now offering a time for those of you that only need to take the proctored exam. EXAM ONLY sessions are currently scheduled for January 18, 2021, at 9 a.m. and January 23, 2021, at 4 p.m. at the Polk County Government Center. The registration form for the exam only session is available on our website at <http://www.polkcountyhealthdept.org/services/foodhandlers-certification/>

The ServSafe course is also offered by the WI Tavern League and WITC.

### CHANGES IN LICENSING CATEGORIES IN THE NEW FOOD CODE



Significant changes were made to ATCP 75 with passage of the new food, including the fee structure for retail food establishments. The new food code utilizes risk-based licensing based on a hazard assessment completed for each establishment. All establishments selling food will now be considered a retail food establishment. The category of “restaurant” no longer exists. The new categories are:

- Retail food establishment-not serving meals
- Retail food establishment-serving meals
- Transient retail food establishment (formerly referred to as temporary)
- Mobile retail food establishment base
- Vending
- Micro markets

The complexity categories (Simple, Moderate or Complex) will still be based on risk and assigned by evaluating the criteria used in the hazard assessment. For most establishments, the fee structure will remain unchanged, however, some facilities will see an increase and some will see a decrease in the cost of their license.

The new food code went into effect October 24, 2020, and the fees for facilities already licensed will be changed effective for the 2021-22 billing cycle which begins July 1, 2021. **Please return the enclosed postcard so that we have accurate information for the May billing statement.**



### COVID-19 Q&A FROM WI RESTAURANT ASSOCIATION

- Q:** Many areas in Wisconsin require face coverings either by local or statewide order – including while working in a restaurant. What do I do if an employee does not want to wear a face covering while at work?
- A:** Since April 2020, the CDC has been recommending the use of face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Simply put, individuals are required to wear face coverings, including restaurant workers. Your employees have no choice. An employer can request medical

documentation from an employee about both the underlying health condition and the necessity of an accommodation to prove wearing a mask is unsafe or unhealthy due to the employee's disability. Keep in mind, an employer cannot ask this information from a customer.

**Q:** How do I handle a customer who refuses to wear a face covering on constitutional grounds while in my restaurant?

**A:** Guests and employees have no constitutional free speech rights in a private business or workplace. The First Amendment to the US Constitution protects an individual's right to free speech from infringement by the US Government – not a private business. Similarly, state constitutions do not create such rights. Therefore, a restaurant can legally deny service to individuals who refuse to wear a mask for alleged constitutional reasons.



## **EMPLOYEE ILLNESS & VOMIT CLEANUP**

The Food Code specifies that the Person in Charge is to exclude or restrict a food employee who exhibits, or reports a symptom, or who reports a diagnosed illness or a history of exposure to Norovirus. A clean-up and response plan is intended to address situations where a food employee or other individual becomes physically ill in areas where food may be prepared, stored or served. Once such an episode has occurred, timely effective clean-up is imperative.

When developing a plan that addresses the need for the cleaning and disinfection of a vomitus and/or diarrheal contamination event, a food establishment should consider:

- The procedures for containment and removal of any discharges, including airborne particulates;
- The procedure for cleaning, sanitizing, and, as necessary, the disinfection of any surfaces that may have become contaminated;
- The procedures for the evaluation and disposal of any food that may have been exposed to discharges;
- The availability of effective disinfectants, personal protective equipment, and other cleaning and

disinfecting equipment and appurtenances intended for response and their proper use;

- Procedures for the disposal and/or cleaning and disinfection of tools and equipment used to clean up vomitus or fecal matter;
- The circumstances under which a food employee is to wear personal protective equipment for cleaning and disinfecting of a contaminated area;
- Notification to food employees on the proper use of personal protective equipment and procedures to follow in containing, cleaning, and disinfecting a contaminated area;
- The segregation of areas that may have been contaminated so as to minimize the unnecessary exposure of employees, customers and others in the facility to the discharges or to surfaces or food that may have become contaminated;
- Minimizing risk of disease transmission through the exclusion and restriction of ill employees as specified in the Food Code;
- Minimizing risk of disease transmission through the prompt removal of ill customers and others from areas of food preparation, service and storage; and
- The conditions under which the plan will be implemented.

Below is a link to the new Employee Reporting Agreement that all of your employees should sign and a poster to help you put your clean up kit together. The documents can be found under "Handouts"

- Employee Reporting Agreement
- Clean-Up Kit Poster.

<http://www.polkcountyhealthdept.org/services/restaurants>

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