

ES-2014-003/Food Service Worker Certification - Revisions to Maricopa County Environmental Health Code (MCEHC) Chapter VII align with the recently enacted A.R.S. § 11-269.12 Food handler training and certificate. Through emphasizing training this change allows for an open marketplace for Food Employees or Food Service Workers (FSW) to receive training from any entity meeting A.R.S. § 11-269.12 requirements. Demonstration of Food Employee training can be shown through a valid certificate from a training course meeting State Statute requirements or by having a valid Arizona County issued FSW ID card or certificate. Verbatim text adopted by the BOS on 4/8/15 is shown below in legislative format with deleted text crossed-out and added language bolded in upper case:

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VII

FOOD SERVICE WORKERS EMPLOYEES/CERTIFIED FOOD PROTECTION MANAGERS

REGULATION 1. Definitions

- a. ~~“Food Service Manager”~~ **“CERTIFIED FOOD PROTECTION MANAGER”** means any person who supervises/trains a food ~~EMPLOYEE service worker(s)~~ **EMPLOYEE** to follow all food safety regulations (Chapter VII and Chapter VIII). The manager shall be a full time employee of the individually permitted food establishment where employed.
- b. ~~“Food Service Manager Card”~~ **“CERTIFIED FOOD PROTECTION MANAGER CARD”** means a document issued by the Department certifying that an individual has fulfilled the requirements to work as a ~~Food Service Manager~~ **CERTIFIED FOOD PROTECTION MANAGER**.
- c. ~~“Food Service Worker”~~ **“FOOD EMPLOYEE” SHALL HAVE THE SAME MEANING AS ARS §11-269.12 FOOD HANDLER, AND** means any person who handles, prepares, serves, sells or gives away food for consumption by persons other than his or her immediate family, or who handles utensils and equipment appurtenant thereto. The term does not include persons in establishments regulated under this code who handle food or drink exclusively in closed crates, cartons, packages, bottles or similar containers in which no portion of the food or drink is exposed to contamination through such handling.
- d. ~~“Food Service Worker Card” means a document issued by the Department certifying that an individual has fulfilled the requirements to work as a food service worker.~~

- D e. “Limited Use Food **EMPLOYEE CERTIFICATE Card**” means a document issued by the Department certifying that an individual with a disability has fulfilled the requirements to perform specific low public health risk activities.
- E. **"PERSON IN CHARGE" MEANS THE INDIVIDUAL PRESENT AT A FOOD ESTABLISHMENT WHO IS RESPONSIBLE FOR THE OPERATION AT THE TIME OF INSPECTION.**
- F. **“FEE WAIVED FOOD EMPLOYEE CERTIFICATE” MEANS A DOCUMENT ISSUED BY THE DEPARTMENT CERTIFYING THAT AN INDIVIDUAL WORKING UNDER A MARICOPA COUNTY BOARD OF HEALTH FEE WAIVER HAS FULFILLED THE TRAINING REQUIREMENTS.**

REGULATION 2. ~~Display of Food Service Worker/Manager Cards~~ PERSON IN CHARGE AND CERTIFIED FOOD PROTECTION MANAGER

~~Each food establishment shall maintain on its premises a separate file containing the food service worker cards and food service manager cards for each food service worker and food service manager. This file shall be accessible to the Environmental Health Officer for review upon request.~~

- A. **THE PERSON IN CHARGE OF A FOOD ESTABLISHMENT SHALL ENSURE FOOD EMPLOYEE(S) ARE TRAINED ON FOODBORNE DISEASE PREVENTION IN ACCORDANCE WITH CHAPTER VIII, SECTION 2 OF THE MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE, WITHIN 30 DAYS OF PERFORMING ANY FOOD EMPLOYEE ACTIVITY.**
- B. **THE PERSON IN CHARGE OF A TEMPORARY FOOD ESTABLISHMENT, SEASONAL FOOD ESTABLISHMENT, OR SPECIAL EVENT FOOD ESTABLISHMENT SHALL ENSURE FOOD EMPLOYEE(S) ARE TRAINED ON FOODBORNE DISEASE PREVENTION IN ACCORDANCE WITH CHAPTER VIII, SECTION 2 OF THE MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE, PRIOR TO THE START OF THE EVENT.**
- C. **A VALID FOOD EMPLOYEE CERTIFICATE OR IDENTIFICATION CARD AS DESCRIBED IN REGULATION 4 OF THIS CHAPTER, MAY SERVE AS DOCUMENTATION OF TRAINING.**
- D. **EACH FOOD ESTABLISHMENT SHALL MAINTAIN ON ITS PREMISES A SEPARATE FILE CONTAINING FOOD EMPLOYEE TRAINING DOCUMENTATION.**

- E. EACH FOOD ESTABLISHMENT SHALL HAVE AT LEAST ONE (1) CERTIFIED FOOD PROTECTION MANAGER ON STAFF, WHO IS EITHER PHYSICALLY PRESENT OR AVAILABLE BY ELECTRONIC OR TELEPHONIC MEANS WHENEVER THE FOOD ESTABLISHMENT IS IN OPERATION.
- F. EACH FOOD ESTABLISHMENT SHALL REPLACE THE CERTIFIED FOOD PROTECTION MANAGER WITHIN NINETY (90) DAYS OF SEPARATION.
- G. A CERTIFIED FOOD PROTECTION MANAGER SHALL OBTAIN A CERTIFIED FOOD PROTECTION MANAGER CARD FROM THE DEPARTMENT AFTER SUCCESSFUL COMPLETION OF A TEST FROM A FOOD PROTECTION MANAGER CERTIFICATION PROGRAM AS DESCRIBED IN THE 2013 FDA FOOD CODE, § 2-102.20. A CERTIFIED FOOD PROTECTION MANAGER CARD SHALL EXPIRE FIVE (5) YEARS FROM THE DATE OF SUCCESSFUL COMPLETION OF A CERTIFIED FOOD PROTECTION MANAGER TEST.

REGULATION 3 ~~Limited Use Food Service Worker Cards~~ FOOD EMPLOYEE CERTIFICATES

~~The Department may issue a Limited Use card when requested to reasonably accommodate a person with a disability.~~

THE DEPARTMENT MAY ISSUE THE FOLLOWING FOOD EMPLOYEE CERTIFICATES:

- A. A LIMITED USE FOOD EMPLOYEE CERTIFICATE MAY BE ISSUED TO REASONABLY ACCOMMODATE A PERSON WITH A DISABILITY.
 - a.1. A person with a Limited Use Food **EMPLOYEE** ~~Service Worker~~ **CERTIFICATE Card** shall be under direct supervision of the food establishment's **CERTIFIED** Food ~~Service~~ **PROTECTION** Manager at all times when handling food or food contact surfaces.
 - b.2. The food establishment's **CERTIFIED** Food ~~Service~~ **PROTECTION** Manager shall be responsible for all Limited Use Food **EMPLOYEE** ~~Service Worker~~ **CERTIFICATE Card** applicants, and for requesting a Department onsite visit to have the Department officially document any training and to witness the applicant's associated functions and duties assigned by the **CERTIFIED** Food ~~Service~~ **PROTECTION** Manager.

- e.3. Upon Department approval, the applicant will receive ~~written authorization to have a Limited Use Food Service Worker Card~~ **EMPLOYEE Service Worker Card CERTIFICATE**, issued at the Department's offices with proof of lawful presence in accordance with Arizona State Statute (A.R.S. §41-1080).
- d. ~~The Limited Use Food Service Worker Card shall expire three years from the date of issue and the fee is the same as listed in Chapter I of this code for Food Service Worker Cards.~~
- e. Applicants may have a Limited Use Food Service Worker Card reissued by following Paragraphs ~~1. a. through d. 3.~~ **1. a. through d. 3.A.** of this Regulation ~~3.A.~~

B. A FEE WAIVED FOOD EMPLOYEE CERTIFICATE MAY BE ISSUED TO:

- 1. **A FOOD EMPLOYEE FOR WHICH MARICOPA COUNTY BOARD OF HEALTH HAS WAIVED PAYMENT OF ASSOCIATED FEES DUE TO THEIR CHARITABLE OR NONPROFIT STATUS.**
- 2. **A FOOD EMPLOYEE ENROLLED IN A K-12 CULINARY ARTS SCHOOL PROGRAM OR OTHER SIMILAR CURRICULUM BASED PROGRAMS FOR WHICH MARICOPA COUNTY BOARD OF HEALTH HAS WAIVED PAYMENT OF ASSOCIATED FEES.**

REGULATION 4. ~~Food Service Manager Training~~ FOOD EMPLOYEE TRAINING DOCUMENTATION

- a. ~~All food service managers shall obtain a food service manager card by completing a food service manager sanitation test certified by an ANSI accredited organization meeting the Conference for Food Protection accreditation standard. The certificate, diploma, or credential obtained therefrom shall be presented to the Department for issuance of a food service manager card. A food service manager card shall not be issued until the food service manager card fee established by Chapter I of this code is received by the Department. All food service manager cards issued under this subsection shall expire five (5) years from the date of issue of the certification, diploma, or credential presented.~~

A. FOOD EMPLOYEE TRAINING DOCUMENTATION MAY BE SHOWN BY THE FOLLOWING:

1. A VALID FOOD EMPLOYEE CERTIFICATE, OR IDENTIFICATION CARD, ISSUED BY ANOTHER COUNTY WITHIN THE STATE OF ARIZONA; OR
 2. A VALID FOOD EMPLOYEE CERTIFICATE OF SUCCESSFUL COMPLETION OF A FOOD HANDLER TRAINING COURSE GIVEN BY THE DEPARTMENT; OR
 3. A VALID FOOD EMPLOYEE CERTIFICATE OF SUCCESSFUL COMPLETION OF A THIRD PARTY FOOD HANDLER TRAINING COURSE THAT MEETS ALL STATE OF ARIZONA STATUTORY REQUIREMENTS, INCLUDING COMPLIANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE/ASTM INTERNATIONAL STANDARD E2659-09.
- B. A CERTIFICATE ISSUED UNDER PARAGRAPHS 2 AND 3 OF REGULATION 4 SHALL EXPIRE THREE (3) YEARS FROM THE DATE OF ISSUE.

REGULATION 5. — ~~Food Service Worker Training~~

- a. ~~Except as specified in paragraph b of this Section, within thirty (30) days of performing any food service worker activity, all food service workers shall obtain a food service worker card by completing a food service worker sanitation course or test given by the Department, or show evidence of having completed a substantially similar course or test sponsored or accredited by the Department. The food service worker exam or class fee established by Chapter I of this code shall be paid prior to the initiation of the test or sanitation course. All food service worker cards issued under this subparagraph shall expire three (3) years from the date of issue. A food service worker card shall not be issued until the food service worker card fee established by Chapter I of this Environmental Health Code is received by the Department.~~
- b. ~~Temporary food establishment, seasonal food establishment, and special event food establishment food service workers shall obtain a food service worker card prior to the start of the event.~~

REGULATION 6. — ~~Food Service Manager's Duty~~

- a. ~~All food establishment locations shall have at least one (1) certified food service manager on staff, who is either physically present or available by electronic or telephonic means whenever the food establishment is in operation.~~

- b. ~~A food service establishment has ninety (90) days to replace a certified food service manager who is no longer employed at the food service establishment location.~~

REGULATION 75. Communicable Disease

- a. Notwithstanding any other provision in this code, should the Environmental Health Officer reasonably believe that a food **EMPLOYEE** ~~service worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager may be a carrier of or infected with a communicable disease which can be transmitted to the public, through food, the environmental health officer shall immediately notify the Director of the Maricopa County Department of Public Health, (MCDPH) who may: (1) examine or cause the examination of the food **EMPLOYEE** ~~service worker~~, and (2) secure from the food **EMPLOYEE** ~~service worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager appropriate specimens or fluids of body discharge and cause them to be examined at a laboratory approved by the Director of MCDPH or by the Arizona Department Of Health Services. The Environmental Health Officer may exclude from any food service work any food **EMPLOYEE** ~~service worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager who has or demonstrates any illness or symptoms of a communicable disease that may be transmitted through food from food service work. A person so excluded shall not thereafter engage in food service work until approved by the Director of MCDPH.
- b. If required by the Director of MCDPH, a food **EMPLOYEE** ~~service worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager shall furnish such information, submit to physical examination, and submit such specimen for laboratory examination, as the MCDPH Director may require for the purpose of determining freedom from communicable disease. The failure of a food **EMPLOYEE** ~~service worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager to do so to the satisfaction of the Director of MCDPH, shall be sufficient basis for excluding the food **EMPLOYEE** ~~service worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager from such occupation.
- c. No Change

REGULATION 86. Exemptions

Any food establishment, as defined in Chapter VIII of this code, exclusively serving prepackaged foods ~~that are not potentially hazardous (time/temperature control for safety) foods~~ is exempt from Regulations ~~4 and 6~~ **2 PARAGRAPH E.** of this Chapter.