

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

**CHAPTER VII**

**FOOD EMPLOYEES/CERTIFIED FOOD PROTECTION MANAGERS**

**REGULATION 1. Definitions**

- a. “Certified Food Protection Manager” means any person who supervises/trains a Food Employee(s) 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. “Certified Food Protection Manager Card” means a document issued by the Department certifying that an individual has fulfilled the requirements to work as a Certified Food Protection Manager.
- c. “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. “Limited Use Food Employee Certificate” 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. Person in Charge and Certified Food Protection Manager**

- 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 Food Employee Certificates**

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.
  - 1. A person with a Limited Use Food Employee Certificate shall be under direct supervision of the food establishment's Certified Food Protection Manager at all times when handling food or food contact surfaces.
  - 2. The food establishment's Certified Food Protection Manager shall be responsible for all Limited Use Food Employee Certificate applicants, 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 Protection Manager.
  - 3. Upon Department approval, the applicant will receive a Limited Use Food Employee Certificate.

- 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 Employee Training Documentation**

- 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. Communicable Disease**

- a. Notwithstanding any other provision in this code, should the Environmental Health Officer reasonably believe that a Food Employee or Certified Food 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, and (2) secure from the Food Employee or Certified Food 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 or Certified Food 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 or Certified Food 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 or Certified Food Protection Manager to do so to the satisfaction of the Director of MCDPH, shall be sufficient basis for excluding the Food Employee or Certified Food Protection Manager from such occupation.
- c. A person excluded from food service work by the Director of MCDPH shall be entitled to a hearing on written request made to the Director of MCDPH within ten (10) days of exclusion. If a request for hearing is received, a hearing shall be held by the MCDPH Director or their designee within five (5) working days.

#### **REGULATION 6. Exemptions**

Any food establishment, as defined in Chapter VIII of this code, exclusively serving prepackaged foods is exempt from Regulation 2 Paragraph e. of this Chapter.