



At its regular meeting held August 23, 2016, the Putnam County Board of Health approved a public comment period for a Food Service Worker Regulation.

Written comments regarding the proposed Food Service Regulation will be accepted and should be directed to:

Putnam County Board of Health
PO Box 1107
Charleston WV 25324
or by e-mail to putnamlhd@wv.gov

The Board of Health has provided for a thirty day (30) day comment period. All comments must be post marked by October 19, 2016 in order to be considered by the Board.



PUTNAM COUNTY BOARD OF HEALTH

FOOD SERVICE WORKER REGULATION

Effective: (Date)



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Section 1. General

Title:

This regulation shall be known as the Putnam County Food Service Worker Regulation.

Authority:

This Food Service Worker Regulation is adopted by the Putnam County Board of Health in accordance with the authority contained in West Virginia Code, Chapter 16-2-3.

Purpose:

The purpose of this regulation is (1) to protect the public health and welfare by requiring that all persons who work in food service establishments located in Putnam County, WV be properly trained in approved food handling procedures and (2) to require that all food service workers of food service establishments located in Putnam County have a valid Food Service Worker Card accepted by the Putnam County Health Department.

Section 2. Definitions

- 2.1. Approved - A procedure or operation which is in accordance with the standards, specifications, or instructions established by the Director or Health Officer.
- 2.2. Director – The chief executive, administrative, and fiscal officer of the State Department of Health or his designee.
- 2.3. Employee - Any person employed for direct or indirect monetary wages or anything of value, or any person who volunteers for a non-profit entity.
- 2.4. Employer- Any entity or person who employs the paid or volunteer services of one or more persons.
- 2.5. Food- Any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.
- 2.6. Food Service Worker – Any employee or person who works in a food service establishment and is or could be engaged in the preparation or service of food.
- 2.7. Food Service Worker Card- A valid card issued by the Health Officer to a person who has successfully completed a food service worker course approved by the Health Officer.
- 2.8. Food Service Establishment – Any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, bar, cocktail lounge, delicatessen, nightclub, roadside stand, industrial feeding establishment, private, public, or non-profit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food

or drink is prepared for sale or service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge. The term does not include taverns where the only food sold is beer or properly packaged food and single service articles are used, and no potentially hazardous foods are offered.

- 2.9. Health Officer- The executive officer of the local board of health or his/her duly authorized representative.
- 2.10. Law- Federal, state and local statutes, ordinances, and regulations.
- 2.11. Operator- A person who is in charge of a food service establishment.
- 2.12. Packaged – Bottled, canned, cartoned, or securely wrapped.
- 2.13. Permit – A written document issued by the Health Officer giving a designated person permission to construct a specific food service establishment or to operate a specific food service establishment.
- 2.14. Permit Holder- The person to whom the permit has been issued.
- 2.15. Person – Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency or any other entity recognized by law.
- 2.16. Person-In-Charge- The individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person-in-charge.
- 2.17. Potentially Hazardous Food – Any food that consists in whole or part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustaceans, or other ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor free shell eggs or foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.

Section 3. Permits, hearings, notices, and orders

- 3.1. All food service workers of a food service establishment shall successfully complete a food service worker course approved by the Health Officer. The food service worker course shall be consistent with WV Food Service Regulations adopted the by the WV Bureau for Public Health and the minimum guidelines established under WV 16-2-16. Upon completion of said course, the Putnam County Health Department shall issue a Food Service Worker Card to the worker

or employee. The card may be valid for one year or two years.

- 3.2. Any person or employee who does not possess a Food Service Worker Card shall be prohibited from working in a food service establishment until such time that he or she obtains a Food Service Worker Card.
- 3.3. It shall be the duty and responsibility of the permit holder or operator of a food service establishment, to insure that all employees of the food service establishment possess a Food Service Worker Card.
- 3.4. The operator of a food service establishment must keep a copy of all Food Service Worker Cards for employees working in the food service establishment. Upon request by the Health Officer or his/her duly authorized representative, the operator must provide access to the Food Service Worker Cards in order to verify that each employee working in the food service establishment has a Food Service Worker Card.
- 3.5. Food Service Worker Cards shall not be transferable or assignable.
- 3.6. Whenever the Health Officer makes an inspection of the food service establishment and discovers that the provisions of these regulations have been violated, he shall notify the operator of such violations by means of an inspection report or other written notice. Any employees without Food Service Worker Cards must obtain the cards within 30 days from the date of such notice.
- 3.7. If the operator of the food service establishment continues to allow the employee to work without a Food Service Worker Card after the 30 day time period, the permit for the food service establishment shall be suspended. The permit shall not be reinstated until such time that the operator has shown that the employee(s) in question have obtained Food Service Worker Card(s) or no longer are working in the establishment.
- 3.8. Any person whose permit has been suspended may petition and shall be granted a hearing date on the matter within ten (10) days after the Health Officer has received a written petition for such hearing.
- 3.9. The filing of a petition for a hearing on a permit suspension shall not stay or suspend the execution of the notice or order resulting in such permit suspension.
- 3.10. Hearings provided for in these regulations shall be conducted by the Health Officer at a time and place designated by him.

Section 4. Severability

- 4.1. If any provision of these regulations, or the application thereof to any person or

circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the regulations, and to this extent the provisions of these regulations are declared to be severable.

Section 5. Penalty for violating provisions of regulations

- 5.1. Enforcement of this regulation shall be consistent with the West Virginia's Food Establishments Rule, 64 CSR 17.
- 5.2. Operation of a food service establishment without a valid permit is a violation of West Virginia's Food Establishments Rule, 64 CSR 17. Section 10.1 of the legislative rule states: "Violation of the provisions of this rule is a misdemeanor. The Commissioner may take enforcement actions for violation in accordance with WV Code § 16-1-18, §16-6-23 and § 16-6-24.

Section 6. Effective Date

- 6.1. This Regulation shall be effective thirty (30) days from and after the date of its adoption. Date Adopted:

Michael Keiffer
Chair, Putnam County Board of Health

Date Signed

