

Lake
Cumberland
District Health
Department

Food
Employee
Certification

Environmental Department

FOOD EMPLOYEE CERTIFICATION

Lake Cumberland District Board of Health

Section 1. Intent and Scope

The Lake Cumberland District Board of Health, (hereafter referred to as “Board”), hereby finds and declares that district-wide food service regulations are needed to regulate food employees within the Lake Cumberland District Health Department service area.

WHEREAS, KRS 212.230 (1) (c) provides that a district health board adopt rules and regulations necessary to protect the health of the people or to effectuate the purposes of this chapter or any other law relating to public health; and

WHEREAS, it is the duty of the Lake Cumberland District Health Department to establish policies, plans and programs to safeguard the health of the citizens of the Lake Cumberland District, KY; and

WHEREAS, Food Employees that fail to follow procedures that will assure safe, clean, sanitary conditions and standards may promote a cause of sickness or an illness; and

WHEREAS, with the present growth and employee turnover in the food service industry and the increasing number of meals being consumed outside the home, food safety training is essential to ensure the public is protected against food borne illness.

NOW, THEREFORE, pursuant to the authority granted to the Lake Cumberland District Health Department under the provisions of KRS Chapter 212 et seq., the following regulation is adopted.

Section 2. Rules for Administration and Enforcement

The Environmental Health Director of the Lake Cumberland District Health Department or his/her designee is responsible for the enforcement of this regulation. The Environmental Health Director is hereafter recognized as the delegate of the Board and is hereby authorized to make and adopt

such rules that he/she may deem necessary for the administration and enforcement of this regulation, which rules shall not be in conflict with or an enlargement of any of the provisions of this regulation.

Section 3. Definitions

For the purpose of this regulation:

- (a) “Person-In-Charge (PIC)” means the individual present at food establishment who is responsible for the operation at the time of inspection; hereafter referred to as PIC. (902 KAR 45:005, 2013 FDA Food Code 1-201.10)
- (b) “Food Employee” means an individual working with unpackaged food, food equipment or utensils or food-contact surfaces. (902 KAR 45:005, 2013 FDA Food Code 1-201.10)
- (c) “Food” means a 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, or chewing gum. (902 KAR 45:005, 2013 FDA Food Code 1-201.10)
- (d) “Time/Temperature control for safety food” means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation. (902 KAR 45:005, 2013 FDA Food Code 1-201.10)
- (e) Food Establishment
 - (1) “Food establishment means an operation that:
 - (a) stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and
 - (b) relinquishes possession of food to a consumer directly, or indirectly, through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
 - (2) “Food Establishment” includes:
 - (a) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority, and
 - (b) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of

whether there is a charge for the food. (902 KAR 45:005, 2013 FDA Food Code 1-201.10

(3) “Food Establishment” does not include:

(a) An establishment that offers only prepackaged foods that are not Time/Temperature Control for Safety Foods;

(b) A produce stand that only offers whole, uncut fresh fruits and vegetables;

(c) A food processing plant, including those that are located on the premises of a food establishment;

(d) A kitchen in a private home if only food that is not Time/Temperature Control for Safety Food, is prepared for sale of service at a function such as a religious or charitable organization’s bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;

(e) An area where food that is prepared as specified in subparagraph (3)(d) of this definition is sold or offered for human consumption;

(f) A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or

(g) A private home that receives catered or home-delivered food.

(f) Food Processing Plant

(1) “Food Processing Plant” means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments.

(2) “Food Processing Plant” does not include a food establishment.

(g) “Regulatory Authority” means the local, state, or federal enforcement body or authorized representative having jurisdiction over the food establishment.

(h) “Restricted Concessions” means a food service establishment, whether mobile or stationary, limited to preparing and serving only menu items and ingredients considered being low-risk in relation to foodborne illness. (902 KAR 45:005)

- (i) “Statewide Mobile Food Unit” means a fully enclosed, self-contained food service establishment that operates from a vehicle or is otherwise mobile. (902 KAR 45:005)
- (j) “Temporary Food Establishment” means a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration. (902 KAR 45:005, 2013 FDA Food Code 1-201.10)
- (k) **The jurisdiction of the Board includes the following counties:**
Adair, Casey, Clinton, Cumberland, Green, McCreary, Pulaski, Russell, Taylor and Wayne.

Lake Cumberland District Health Department Regulation Pertaining To **Food Employee Certification**

Section 4. (a) Food Safety Certification Required

- (1) All food establishments operating in the Board’s jurisdiction must have all its Food Employees certified.
- (2) Food Employees, shall at the *commencement of employment, and thereafter every two (2) years, be required to attend a food safety training course and pass an examination as determined by the Lake Cumberland District Health Department pertaining to knowledge of basic food safety procedures relevant to the prevention of food borne disease.

***Commencement of employment- person shall enroll in a Lake Cumberland District Health Department Certification Course or provide valid proof of enrollment and/or certification in another approved certified course within ten (10) days of employment. If certification training is required, satisfactory completion must be within thirty (30) days.**

Certification of Food Employees may only be obtained by attending approved courses and passing an examination given by the Lake Cumberland District Health Department. Approved equivalent courses (according to 902 KAR 45:005 Sec 2 (1)) to the Lake Cumberland District Health Department’s Certification Course may be considered for substitution, given proper documentation is provided, at the discretion of a qualified delegate of the Board.

Reasonable fees may be charged for the application to certification courses and for examination/re-examination/re-certification. Fees for certification shall be waived for qualifying tax-exempt non-profit organizations. The Lake Cumberland District Health Department shall set the fee for the certification course.

Certification will be valid for two (2) years, at which time re-certification will be required. The examination may range from 10 to 100 multiple choice questions. A score of 80% or above is considered a passing grade. A certificate will be issued after successful completion of the class. The certificate will be issued in the name of the individual only.

(b) Compliance Required for Certification

It shall be the responsibility of the permit holder or PIC to ensure compliance with the provisions of this regulation. Establishments failing to comply with the provisions of the regulation shall be issued by the department, a written notice or order which shall allow reasonable time for correction.

Notices provided for in this regulation shall have been deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or PIC, or such notice has been sent by certified mail, return receipt requested, to the last known address of the permit holder.

(c) Employee Health

No person while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease, or while afflicted with a boil or infected wound, or an acute respiratory infection, shall work in a food establishment, except as noted in 2013 FDA Food Code 2-201.

Section 5. Renewal of Certification

A holder of a Food Employee certification shall renew his/her certificate every two (2) years in accordance with requirements specified by the Lake Cumberland District Health Department including payment of any applicable fees. Those Food Employees with an approved course shall renew their certification based on the expiration date of their current certification or within 2 years of passing an approved course, whichever occurs first; with the exception of a nationally recognized certification course.

Section 6. Proof of Certification

Each certified Food Employee shall make certification available for inspection for the health authority upon request.

Section 7. Certificate Not Transferable

A Food Employee food certification is not transferable from one person to another.

Section 8. Enforcement

(a) Request for Conference

Any person or establishment issued a notice provided for in this regulation, will be afforded an opportunity for a conference with the delegate of the Board for appeal, if a written request for such is filed with the Lake Cumberland District Health Department within ten (10) days of their receiving the official notice or order. The conferences provided for in this regulation shall be conducted by the Board's delegate at a time and place designated by the delegate. Based upon record of such conference, the delegate shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the conference.

(b) Appeals- pursuant to KRS 212.230 (f)

The Board shall hear and decide appeals from ruling, decision and actions of the local health department or Board delegate, where the aggrieved party makes written request to the Board within thirty (30) days after the ruling, decision or action complained of.

Section 9. Exemption

Food establishments that serve, sell, or distribute **only food from a food processing plant** are exempt from the provisions of this section. Temporary food establishments, restricted concessions, and statewide mobile food units may also be exempted by the Lake Cumberland District Health Department.

Section 10. Fee Exemptions

Private, parochial and public school cafeterias or lunchroom facilities through the twelfth (12th) grade and all facilities operated by the Cabinet for Health Services or Corrections Cabinet and all facilities that meet the definition of "charitable food kitchen" shall be exempt from the payment of fees, but shall comply with all other provisions of this regulation. For this section, the term "charitable food kitchen" means a not-for-profit, benevolent food service establishment where more than one-half (1/2) of the employees are volunteers. (KRS 217.125 (11))

Section 11. Penalties

Any person, firm, corporation, or permit holder found to be in violation of this article shall be ordered to comply with this regulation. If any person, firm, corporation, or permit holder does not comply with the order of the Lake Cumberland District Health Department, then pursuant to KRS 212.715 and KRS 212.990(2), the owner or operator of the food establishment shall be subject to a fine of not less than ten (\$10.00) nor more than one hundred (\$100.00) dollars for each day of non-compliance.

Section 12. Effective Date

THE REGULATION SHALL BECOME EFFECTIVE JULY 1, 2019.

APPROVED AND ADOPTED BY THE LAKE CUMBERLAND DISTRICT BOARD OF HEALTH

THIS 25 DAY OF June, 2019.



CHAIRMAN,
LAKE CUMBERLAND DISTRICT
BOARD OF HEALTH