

TITLE 7

BUSINESS REGULATION

CHAPTER 730

FOOD SERVICE WORKER PERMIT CODE

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I. GENERAL PROVISIONS

730.010 Title

This Chapter, 730.010 to 730.999, shall be known and may be cited as the “Linn County Food Service Worker Permit Code” or simply as the “Food Service Worker Permit Code.”

[Adopted [19]-038 eff 7/22/86; amd 2004-304 §1 eff 8/4/04]

730.020 Purpose

The purpose of this Chapter is to protect the health, safety and welfare of the citizens of Linn County and visitors to food establishments within the County by requiring food service workers to have an adequate minimal knowledge of sanitary principles and practices involved in the preparation, storage and service of foods and beverages.

[Adopted [19]86-038 eff 7/22/86]

730.050 Definitions

For the purpose of this Chapter certain words and phrases used herein are defined as follows:

(A) “**Department**” means the Environmental Health Program of the Linn County Department of Health Services.

(B) “**Educational institution**” means a school, college or other institution with an established curriculum, student body and faculty, conducting classes in a building adapted for that purpose.

(C) “**Employer**” means any individual, sole proprietor, firm, partnership, corporation, association, joint stock association or legal successor thereof which employs one or more food service workers in a food establishment.

(D) “**Food**” means any raw, cooked or processed edible substance, beverage or ingredient used or intended for use in whole, or in part, for human consumption.

(E) “**Food establishment**” means any facility:

(1) Licensed by the Department as a restaurant, or

(2) Subject to the State of Oregon Sanitary Code for Eating and Drinking Establishments, Division 157 of Chapter 333, of the Oregon Administrative Rules (Inspection and Licensing Procedures), or

(3) Serving food to students, employees or the public in an educational institution, or

(4) Operating as a temporary restaurant, as defined by ORS 624.010.

(F) “**Food service worker permit**” or “**permit**” means a permit issued by the Department indicating that the Food Service Worker has demonstrated a minimal level of competency in the sanitary preparation and handling of food. A permit shall be valid for three (3) years from the date of issuance.

(G) “**Food service worker**” means a person employed or awaiting imminent employment in a food establishment when such employment includes any handling, preparation or service of food. Employers are also food service workers for purposes of this Chapter. “Food service worker” does not include persons who are employed for less than five (5) hours a week in a food establishment within an educational institution. However, such persons shall receive basic food handling instructions from a worker with a valid permit prior to beginning employment.

[Adopted [19]86-038 eff 7/22/86; amd 2004-304 §1 eff 8/4/04]

730.075 Application of this Chapter

(A) This Chapter shall apply to the unincorporated area of Linn County and in those incorporated cities of Linn County which have consented to this Chapter application pursuant to ORS 203.040.

(B) The provisions of this chapter apply to all persons and employers who serve food in a food establishment located in Linn County.

[Adopted [19]86-038 eff 7/22/86]

II. FOOD SERVICE WORKER RESPONSIBILITIES

730.100 Food handler permit required

(A) No food service worker may provide food services in a food establishment without possessing at the time of such service a current, valid permit issued under this chapter. A permit is personal to the Food Service Worker and is not transferable to another person.

(B) The Food Service Worker may work in any food establishment in Linn County with a valid permit.

[Adopted [19]86-038 eff 7/22/86]

730.120 Volunteers

(A) At least one person possessing a valid food handler permit must be present at all times during the operation of a food establishment by a benevolent organization. Additional volunteer food service workers, may, but are not required to, obtain a food service worker permit. The Department may provide alternative educational services to volunteers.

[Adopted [19]86-038 eff 7/22/86; amd 2004-304 §1 eff 8/4/04]

730.150 Obtaining a food handler permit

(A) Every food service worker shall obtain a food service worker permit pursuant to and maintain such permit in accordance with this chapter.

(B) Prior to obtaining a permit and as a condition to obtaining a permit a food service worker must:

(1) Participate in an approved food handler training program; and

(2) Pass an examination designed to test knowledge of proper food handling; and

(3) Pay a fee designated by the Board of Commissioners pursuant to the LCC 200.110.

[Adopted [19]86-038 eff 7/22/86]

730.160 Time to obtain permit

(A) Every food service worker shall obtain a food service worker permit (Permit) within thirty (30) days after beginning service as a food service worker, except as otherwise provided in this Chapter.

(B) Employers shall be responsible for providing timely information to food service workers regarding the requirement to obtain a permit.

[Adopted [19]86-038 eff 7/22/86]

730.170 Transfer of current permit

A current, valid Food Service Worker Permit obtained in the State of Oregon shall be valid in Linn County until its date of expiration, or three (3) years from the date the food service worker begins work in Linn County, whichever comes sooner.

[Adopted [19]86-038 eff 7/22/86]

III. COUNTY RESPONSIBILITIES

730.200 Issuance of permits

The Department shall issue a permit to each food service worker who satisfies the requirements of LCC 730.150.

[Adopted 2004-304 §1 eff 8/4/04]

730.230 Class and examination

(A) The Department shall conduct or cause to be conducted, at regular intervals, a food handler training program designed to teach food service workers the information necessary to take an examination on proper food handling practices.

(B) Immediately after the food handler training presentation, and at other times designated by the Department, examinations shall be conducted for food service workers.

(C) The Department may develop and administer alternative testing methods in addition to a written examination to accommodate food service workers with special needs. Such alternatives may include oral examinations or examinations in languages other than English, as may be necessary.

[Adopted [19]86-038 eff 7/22/86; amd 2004-304 §1 eff 8/4/04]

730.240 Fee

(A) A fee for a Food Service Worker Permit shall be charged. The amount of the fee shall be established in accordance with LCC 200.110.

(B) No food service worker permit shall be issued until the fee has been collected.

(C) The current amount of the fee is maintained in the County Fee Schedule adopted annually on or about July of each year.

[Adopted [19]86-038 eff 7/22/86; amd 2004-304 §1 eff 8/4/04]

IV. EMPLOYER RESPONSIBILITIES

730.300 Maintenance of permit by employer

(A) All food service worker permits shall be kept on file at the food establishment where the food service worker works.

(B) The permits shall be available for inspection by the Department during business hours of the food establishment.

(C) The permit shall be returned to the food service worker upon termination of employment.

[Adopted [19]86-038 eff 7/22/86; amd 2004-304 §1 eff 8/4/04]

730.340 Notification by employer

The employer of a food service worker shall inform that worker at or before the beginning of employment that the worker must obtain a food service worker permit within thirty (30) days of beginning employment.

[Adopted [19]86-038 eff 7/22/86; amd 2004-304 §1 eff 8/4/04]

V. PENALTIES FOR VIOLATIONS

730.900 Penalties

Violation of the provisions of this Chapter shall be punished in accordance with the provisions of LCC Chapter 240 (Linn County Enforcement Code). Violation of this Chapter is a Class "B" violation.

[Adopted [19]86-038 eff 7/22/86; amd [19]88-536 §7 eff 10/12/86; amd 2004-304 §1 eff 8/4/04]

Statutory References and Authorities:

ORS 203; 203.040; 624.010; OAR Div. 157,
Chapter 333

Legislative History of Chapter 730:

Adopted [19]86-038 eff 7/22/86

Amendments to [19]86-038 and former LCC 6.40:

- #1 [19]88-536 §7 eff 10/12/88
 - #2 [19]95-177 eff 5/10/95 (renumbering)
 - #3 2004-304 §1 eff 8/4/04
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