

3717-1-02.4

Management and personnel: supervision.

(A) Person in charge - assignment of responsibility.

- (1) The license holder shall be the person responsible for the food service operation or retail food establishment. The license holder may be the person in charge or shall designate a person or persons in charge and shall ensure that a person in charge with applicable knowledge is present at the food service operation or retail food establishment during all hours of operation. This paragraph does not apply to a micro market as defined in Chapter 3717-1 of the Administrative Code.
- (2) ~~One year after the effective date of this rule, Each risk level III and risk level IV food service operation and retail food establishment shall have~~ at least one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service ~~shall~~ obtain the level two certification in food protection according to rule 3701-21-25 of the Administrative Code.
- (3) Temporary, mobile, vending and risk level I and risk level II food service operations or retail food establishments are exempt from paragraph (A)(2) of this rule.

(B) Person in charge - demonstration of knowledge.

Based on the risks inherent to the food operation, during inspections and upon request the person in charge shall demonstrate to the licensor the applicable knowledge of foodborne disease prevention, application of the hazard analysis and critical control point principles, and the requirements of this chapter as they relate to the food service operation or retail food establishment at the time of inspection. The person in charge shall demonstrate this knowledge by ~~compliance with this chapter by having no critical violations during the current inspection, or by being certified in food protection as specified in rule 3701-21-25 of the Administrative Code, or by responding correctly to the inspector's questions as they relate to the specific food operation.~~ The areas of knowledge include:

- (1) Complying with this chapter by having no critical violations during the current inspection; and
- (2) Responding correctly to the sanitarian's questions as they relate to the specific food service operation or retail food establishment. The areas of knowledge include:
 - (~~1~~)(a) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;

- ~~(2)~~(b) Explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;
- ~~(3)~~(c) Describing the symptoms associated with the diseases that are transmissible through food;
- ~~(4)~~(d) Explaining the significance of the relationship between maintaining the time and temperature of time/temperature controlled for safety food and the prevention of foodborne illness;
- ~~(5)~~(e) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;
- ~~(6)~~(f) Stating the required food temperatures and times for safe cooking of time/temperature controlled for safety food including eggs, fish, meat, and poultry;
- ~~(7)~~(g) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of time/temperature controlled for safety food;
- ~~(8)~~(h) Describing the relationship between the prevention of foodborne illness and the management and control of the following:
 - ~~(a)~~(i) Cross contamination;
 - ~~(b)~~(ii) Hand contact with ready-to-eat foods;
 - ~~(c)~~(iii) Handwashing; and
 - ~~(d)~~(iv) Maintaining the food service operation or retail food establishment in a clean condition and in good repair.
- ~~(9)~~(i) Identifying major food allergens including milk, egg, fish, tree nuts, wheat, peanuts, and soybeans as specified in paragraph (B)(65) of rule 3717-1-01 of the Administrative Code;
- ~~(10)~~(j) Explaining the relationship between food safety and providing equipment that is:
 - ~~(a)~~(i) Sufficient in number and capacity; and

- ~~(b)~~(ii) Properly designed, constructed, located, installed, operated, maintained, and cleaned.
- ~~(11)~~(k) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
- ~~(12)~~(l) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
- ~~(13)~~(m) Identifying poisonous or toxic materials in the food service operation or retail food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of properly;
- ~~(14)~~(n) Explaining the details of how the person in charge and food employees comply with the HACCP plan that includes identifying the critical control points in the operation and associated critical limits, if a plan is required by this chapter, or an agreement between the licensor and the food service operation or retail food establishment;
- ~~(15)~~(o) Explaining the responsibilities, rights, and authorities assigned by this chapter to the:
 - ~~(a)~~(i) Food employee;
 - ~~(b)~~(ii) Conditional employee;
 - ~~(c)~~(iii) Person in charge;
 - ~~(d)~~(iv) Licensor; and
- ~~(16)~~(p) Explaining how the person in charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of food employees.

(C) Person in charge - duties.

The person in charge shall ensure that:

- (1) Food service or retail food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under paragraphs (S) and (T) of rule 3717-1-06.1 of the Administrative Code;

- (2) Persons unnecessary to the food service operation or retail food establishment are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination;
- (3) Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this chapter;
- (4) Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;
- (5) Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;
- (6) Employees are verifying that foods delivered to a food service operation or retail food establishment during non-operating hours are from approved sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, unadulterated, and accurately presented;
- (7) Employees are properly cooking time/temperature controlled for safety food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under paragraph (K) of rule 3717-1-04.1 of the Administrative Code and paragraph (Q)(2) of rule 3717-1-04.4 of the Administrative Code;
- (8) Employees are using proper methods to rapidly cool time/temperature controlled for safety foods that are not held hot or are not for consumption within four hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
- (9) Employees are properly maintaining the temperatures of time/temperature controlled for safety foods during hot and cold holding through daily oversight of the employees' routine monitoring of food temperatures;

- ~~(9)~~(10) Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified under paragraph (E) of rule 3717-1-03.5 of the Administrative Code that the food is not cooked sufficiently to ensure its safety;
- ~~(10)~~(11) Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing;
- ~~(11)~~(12) Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets as specified under paragraph (O) of rule 3717-1-03.2 of the Administrative Code;
- ~~(12)~~(13) Except when approved as specified in paragraph (A)(4) of rule 3717-1-03.2 of the Administrative Code, employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;
- ~~(13)~~(14) Employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties;
- ~~(14)~~(15) Food employees and conditional employees are informed in a verifiable manner of their responsibility to report in accordance with this chapter, to the person in charge, information about their health as it relates to diseases that are transmissible through food as specified under paragraph (A) of rule 3717-1-02.1 of the Administrative Code;
- ~~(15)~~(16) Written procedures and plans, as specified in this chapter and as developed by the food service operation or retail food establishment, are maintained and implemented as required; and
- ~~(16)~~(17) The food service operation or retail food establishment ~~shall have~~has written procedures for employees to follow when responding to vomiting or diarrheal events that involve discharge onto surfaces in the food service operation or retail food establishment. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

Effective:

Five Year Review (FYR) Dates: 11/13/2018

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3717.04, 3717.05
Rule Amplifies: 3717.04, 3717.05
Prior Effective Dates: 03/01/2001, 03/01/2005, 03/01/2009, 01/01/2013,
03/01/2016