



State of Washington

Required and Recommended Additional Training

References

DES Learning Delivery Program

2015/2016

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Required Training:

12 and 15 passenger full size van and cargo van drivers

What:	Required Safety Education or Training for Drivers of Full Size Vans
Who:	Van and Cargo Van Drivers.
Frequency:	Renewal every two years

S.A.A.M. 12.60 Van Management

12.60.40.a Agencies are required to provide employees, students, and volunteers with safety education information or training **prior to their initial operation** of state owned or commercially rented/leased 15 or 12-passenger full size van or cargo van.

12.60.40.b Safety education information provided must include:

1. The NHTSA web address for van safety:
<http://www.nhtsa.gov> or <http://www.safercar.gov>
2. Review of NHTSA's flyer, "[Reducing the Risk of Rollover Crashes in 15-Passenger Vans.](#)"
3. Review of NHTSA's [hangtag](#) for 15-passenger vans.
4. Review of the Fleet Safety section in the [Risk Management Basics Manual](#) available online at:
<http://www.ofm.wa.gov/rmd/publications>; or equivalent agency developed information.
5. Review of policies in Sections [12.30](#) and [12.60](#) or equivalent agency-specific policies or information pertaining to these sections.

12.60.40.c Length of training, training curriculum, training method, type of training materials (or audio-visuals) used is at agency discretion.

Agencies may supplement the requirements above as desired.
Examples of training topics that agencies may choose to address

include, but are not limited to:

- Pre-trip planning and travel routes.
- Travel time restrictions.
- Travel during weather conditions (snow, ice, wind, etc.).
- Gear or cargo storage.
- Maintenance including tire pressure.
- Head light use.
- Cell phone or other electronic equipment use.
- Seat belt use.

12.60.40.d Training is to be documented by the agency and the documentation maintained in appropriate agency files.

12.60.40.e Renewal training must be provided every two years. Renewal training should consist of a review of initial training information with updates as appropriate.

12.60.40.f Renewal training must be documented and the documentation maintained in appropriate agency files.

Bloodborne Pathogens

What: Training on the risks of exposure to bloodborne pathogens.

Who: Employees that have occupational exposure to blood or other potentially infectious materials (OPIM).

Frequency: Once, but you must provide additional training when you add or change tasks or procedures that affect the employee's occupational exposure.

[RCW 49.17.010](#)

The legislature finds that personal injuries and illnesses arising out of conditions of employment impose a substantial burden upon employers and employees in terms of lost production, wage loss, medical expenses, and payment of benefits under the industrial insurance act. Therefore, in the public interest for the welfare of the people of the state of Washington and in order to assure, insofar as may reasonably be possible, safe and healthful working conditions for every man and woman working in the state of Washington, the legislature in the exercise of its police power, and in keeping with the mandates of Article II, section 35 of the state Constitution, declares its purpose by the provisions of this chapter to create, maintain, continue, and enhance the industrial safety and health program of the state, which program shall equal or exceed the standards prescribed by the Occupational Safety and Health Act of 1970 (Public Law 91-596, 84 Stat. 1590).[1973 c 80 § 1.]

[WAC 296-823-100](#)

Scope.

This chapter provides requirements to protect employees from exposure to blood or other potentially infectious materials (OPIM) that may contain bloodborne pathogens. Examples of bloodborne pathogens are the human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

This chapter applies to you if you have employees with occupational exposure to blood or OPIM, even if no actual exposure incidents have occurred.

Definitions:

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM that may result from the performance of an employee's duties.

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

Parenteral contact occurs when mucous membranes or skin is pierced by needlesticks, human bites, cuts, or abrasions.

Occupations that are typically covered by this chapter. The following list illustrates a number of jobs typically associated with tasks that involve occupational exposure to blood or OPIM. The absence of a particular job from the list does not suggest that it falls outside the scope of this chapter. At the same time, employees in jobs found on the list are covered only if they have occupational exposure.

Health care.

- Physicians and physicians assistants
- Nurses, nurse practitioners, dental hygienists, and other health care employees in clinics and offices
- Employees of clinical, dental, and diagnostic laboratories
- Housekeepers in health care facilities
- Staff in laundries that provide service to health care facilities
- Tissue bank personnel
- Employees in blood banks and plasma centers who collect, transport, and test blood
- Freestanding clinic employees (for example, hemodialysis clinics, urgent care clinics, health maintenance organization (HMO) clinics, and family planning clinics)
- Employees in clinics in industrial, educational, and correctional facilities
- Staff of institutions for the developmentally disabled
- Hospice employees
- Home health care workers
- Staff of nursing homes and long-term care facilities
- HIV and HBV research laboratory and production facility workers
- Medical equipment service and repair personnel
- Emergency medical technicians, paramedics, and other emergency medical service providers
- Nuclear medical technologists.

• Occupations outside health care.

- Firefighters, law enforcement personnel, and correctional officers
- Workers in laundries that service public safety institutions
- Employees assigned to provide emergency first aid by their employer (as either a primary or secondary duty)
- Employees who handle or pick up regulated waste
- Hotel/motel employees that clean up blood or OPIM
- Employees of funeral homes and mortuaries.

Regulated waste.

Regulated waste is any of the following:

- Liquid or semiliquid blood or other potentially infectious materials (OPIM)
- Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed
- Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling
- Contaminated sharps
- Pathological and microbiological wastes containing blood or OPIM.

[WAC 296-823-110](#)

Your responsibility:

To plan ways to protect your employees from the risk of exposure to blood or other potentially infectious materials.

You must:

Determine if you have employees with occupational exposure

WAC [296-823-11005](#)

Develop and implement a written exposure control plan

WAC [296-823-11010](#).

[WAC 296-823-11005](#)

Determine if you have employees with occupational exposure.

You must:

- Prepare a written exposure determination if your employees have occupational exposure to blood or other potentially infectious materials (OPIM).

- This determination must be made without considering the use of personal protective equipment (PPE).

- Make sure the exposure determination contains:

- A list of job classifications where all employees have occupational exposure;

– A list of job classifications where some employees have occupational exposure and a description of all tasks and procedures or groups of related tasks and procedures with occupational exposure for these employees.

[WAC 296-823-11010](#)

Develop and implement a written exposure control plan.

You must:

- Establish a written exposure control plan designed to eliminate or minimize employee exposure in your workplace.

Note: The elements of your exposure control plan may be located in other documents such as policies and procedures. Make sure to reference their location in your plan.

You must:

- Make sure the plan contains at least the following elements:
 - The exposure determination, WAC [296-823-11005](#)
 - A procedure for evaluating the circumstances surrounding exposure incidents, including documentation of the routes of exposure, and the circumstances under which the exposure incident happened
 - How and when you will implement applicable requirements of this rule.

Note: The implementation dates need to be included only until your exposure control plan is full implemented or when you are adding new requirements to your plan.

You must:

- Document the infection control system used in your workplace to protect employees from exposure to blood or OPIM.
 - Use universal precautions or other at least as effective infection control systems.

Note: Universal precautions is an infection control system that considers the blood and OPIM for all persons as containing a bloodborne disease, whether or not the person has been identified as having a bloodborne disease.

Other effective infection control systems include standard precautions, universal blood-body fluid precautions, and body substance isolation. These methods define all body fluids and substances as infectious. They incorporate not only the fluids and materials covered by universal precautions and this chapter, but expand coverage to include all body fluids and substances.

- Solicit input in the identification, evaluation, and selection of effective safer medical devices.

This input must be solicited from nonmanagerial employees responsible for direct patient care with potential exposure to contaminated sharps.

– Document the process you used to solicit input and include the identity of the employees or positions that were involved.

Note: • You are not required to request input from every exposed employee; however, the employees selected must represent the range of exposure situations encountered in the workplace. Your safety committee may assist in identifying employees.

• Although you are required to include nonmanagerial employees, you are not prohibited from soliciting input from managerial and other employees.

You must:

• Make sure the exposure control plan is reviewed and updated:

– At least annually

AND

– Whenever necessary to:

■ Reflect new or modified tasks and procedures which affect occupational exposure

■ Reflect new or revised job classifications with occupational exposure.

◆ Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens

◆ Document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

• Make sure a copy of the exposure control plan is accessible at the workplace, when exposed employees are present. For example, if the plan is stored only on a computer, all exposed employees must be trained to operate the computer.

• Make sure a copy of the plan is provided to the employee or their representative within fifteen days of their request for a copy

[WAC 296-823-120](#)

Your responsibility: To train your employees about their risk of exposure to bloodborne pathogens and ways to protect themselves.

You must: Provide training to your employees

[WAC 296-823-12005](#)

Provide training to your employees

You must:

- Make sure all employees with occupational exposure participate in a training program that is:
 - Provided at no cost to them
 - Conducted during compensated working hours.
- Provide training when any of the following occur:
 - Before assigning tasks where occupational exposure might occur
 - At least annually and within one year of the previous training.
- Make sure the content and vocabulary of your training materials are appropriate to the educational level, literacy, and language of your employees
- Make sure the person conducting the required training is knowledgeable about the subject matter as it relates to your workplace
- Make sure the training program contains at least the following elements:
 - An accessible copy of this chapter and an explanation of the contents
 - A general explanation of the epidemiology and symptoms of bloodborne diseases
 - An explanation of how bloodborne pathogens are transmitted
 - An explanation of your exposure control plan and how the employee can obtain a copy of the written plan
 - An explanation of how to recognize tasks and other activities that could involve exposure to blood and other potentially infectious materials (OPIM)
 - An explanation of the use and limitations of methods that will prevent or reduce exposure including:
 - Equipment and safer medical devices
 - Work practices
 - Personal protective equipment
 - Information about personal protective equipment (PPE) including:
 - The types
 - Proper use and limitations
 - Selection

- Location
- Putting it on and taking it off
- Handling
- Decontamination
- Disposal
- Information about the hepatitis B vaccine, including:
 - Information about its effectiveness
 - Safety
 - Method of administration
 - The benefits of being vaccinated
 - Offered at no cost to the employee for the vaccine and vaccination
- Information about what actions to take and persons to contact when exposure to blood or OPIM occurs outside of the normal scope of work
- An explanation of the procedure to follow if an exposure incident occurs, including:
 - The method of reporting the incident
 - The medical evaluation and follow-up that will be available
- Information about the post-exposure evaluation and follow-up procedure following an exposure incident
- An explanation of the signs and labeling or color-coding required by this chapter
- An opportunity for interactive questions and answers with the trainer at the time of the training session

Note:

This may be person-to-person, by telephone, or by e-mail, as long as the employee can both ask and receive answers during the training session

[WAC 296-823-12010](http://www.wa.gov/wac/296-823-12010)

Provide Additional Training.

You must:

- Provide additional training when you add or change tasks or procedures that affect the employee's occupational exposure.

Note: This training may be limited to the changes in tasks and procedures.

WAC 296-823-12015

Maintain training records.

- Maintain training records for three years from the date of the training
- Include the following information in your training records:
 - Dates of the training sessions
 - Contents or a summary of the training sessions
 - Names and qualifications of persons conducting the training
 - Names and job titles of all persons attending the training sessions.
- Provide these employee-training records upon request for examination and copying to any of the following:
 - Employees
 - Employee representatives.

Computer Software Piracy

What: Staff are educated regarding copyrights protecting software Who: Appropriate agency staff Frequency: Once

Executive Order 00-02

Section 1. Policy. It shall be the policy of the state to work diligently to combat computer software piracy and follow the letter and spirit of state and federal law, including the Copyright Act, as well as international agreements in effect in the United States, including applicable

provisions of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights and the Berne Convention for the Protection of Literary and Artistic Works.

- a. Each agency shall adopt procedures to prevent the unlawful acquisition, reproduction, distribution or transmission of computer software.
- b. Each agency shall establish procedures to ensure that its use of computer software complies with the law. These procedures may include:
 - i. preparing inventories of software present on the agency's computers;
 - ii. determining what computer software the agency has the authorization to use; and
 - iii. developing and maintaining adequate record-keeping systems.
- c. If an agency becomes aware that its contractors or financial assistance recipients are using state funds to acquire, operate or maintain computer software in violation of law, the agency shall take appropriate measures, including requiring the use of certifications or written assurances.
- d. Agencies shall cooperate fully with each other in implementing this order and shall share information with each other that may be useful in combating the unlawful use of computer software.

Section 2. Responsibilities of Agency Heads. In connection with the acquisition and use of computer software, the head of each agency shall:

- a. ensure that only authorized software is acquired for and used on the agency's computers;
- b. ensure that appropriate agency staff are educated regarding copyrights protecting software, as well as the policies and procedures adopted by the agency to honor those protections; and
- c. ensure that the policies, procedures and practices of the agency related to copyrights protecting software are adequate, and also fully implement the policies set forth in this order.

Contract Management/Procurement of Goods and Services Training

What: Training on contract management and procurement of goods and services.

Who: Employees that execute and or manage procurements or contracts.

Frequency: Once for each applicable training that is **successfully** passed.

[RCW 39.26.110](#)

(1) The department must provide expertise and training on best practices for state procurement.

(2) The department must establish either training or certification programs, or both, to ensure consistency in procurement practices for employees authorized to perform procurement functions under the provisions of this chapter. When establishing training or certification programs, the department may approve existing training or certification programs at state agencies. When establishing programs or approving existing programs, the department shall work with agencies with existing training programs to ensure coordination and minimize additional costs associated with training requirements.

(3) Beginning July 1, 2013, state agencies must require agency employees responsible for developing, executing, or managing procurements or contracts, or both, to complete department-approved training or certification programs, or both. Beginning July 1, 2015, no agency employee may execute or manage contracts unless the employee has met the training or certification requirements or both as set by the department. Any request for exception to this requirement must be submitted to the director for approval before the employee or group of employees executes or manages contracts.

Customer Service

What: Training on service delivery standards.

Who: Staff and Managers

Frequency: Variable depending on what is deemed necessary training by the agency

Executive Order 03-01 (Service Delivery)

Each agency is directed to:

1. Identify areas where improvements are needed in the clarity, consistency, timeliness and/or responsiveness of service delivery to citizens or businesses. Agencies may use surveys, focus groups, interviews, or other data sources to identify areas requiring improvement.
2. Institute and implement Service Delivery Standards that articulate expectations of staff as they serve the public. The standards should include:
 - o Turnaround and response times for frequently requested services;
 - o Expectations related to accessibility and clarity of information;
 - o Expectations related to the courtesy, professionalism and helpfulness of staff; and
 - o Consistency of treatment in service delivery.

Agencies are encouraged to review existing best practices in service delivery standards, and may use or adapt existing standards to meet these requirements. Agencies should integrate the development and implementation of their Standards with their ongoing performance management, process improvement and customer satisfaction efforts.

3. Where service delivery processes are determined to be complicated or confusing, modify procedures to clarify requirements, reduce complexity, and increase efficiency.

4. Develop procedures for tracking complaints about service delivery and resolving problems; such procedures should facilitate prompt resolution after a citizen or business makes initial contact with the agency. Designate a clearly identified point of contact to assist the public and businesses in finding the services they need and resolving problems.
5. **Provide any training necessary for staff and managers to facilitate use of the Service Delivery Standards and incorporate the Standards as performance expectations in employee personnel evaluations.**
6. Involve businesses and other customer groups in implementing this Order. Agencies shall use existing customer or business advisory groups or establish a citizen advisory group as a means of consultation and involvement.
7. Establish performance measures to evaluate progress in service delivery and incorporate those measures into the agency's current performance accountability system.
8. Report on progress in improving service delivery in the Quarterly Report on their agency Performance Agreement with the Governor beginning no later than January 31, 2004

Diversity

What: Training on diversity, inclusion and equal employment opportunity. Who: State agency personnel Frequency: Once
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Executive Order 12-02

2. General Government Agencies

All cabinet agencies, boards and commissions, and other agencies that report to the Governor are responsible for developing and maintaining a high performing workforce that improves outcomes for customers, delivers culturally responsive services, and reflects the diversity of the communities it serves. To this end, each agency, board and commission shall:

- (a) Designate a staff member to oversee and implement workforce diversity strategies;
- (b) Maintain current policies on diversity, inclusion, and equal opportunity, which include supervisors' and employees' specific responsibilities for promoting diversity, inclusion, and equal employment opportunity;

(c) Deliver training to supervisors and employees on diversity, inclusion, and equal employment opportunity, including the competencies necessary to provide culturally responsive services;

(d) Develop and implement diversity recruitment, hiring, development, and retention strategies, including strategies to build a diverse cadre of mid and senior level managers; and

(e) Submit reports on the effectiveness of workforce diversity strategies in accordance with requirements outlined by the Office of the State HR Director.

Violence in the Workplace

What: Training on agencies' respective domestic violence policies and domestic violence awareness

Who: State agency personnel

Frequency: Once

Executive Order 96-05

1. Initiate actions to create a workplace environment that provides an avenue for assistance for domestic violence victims without fear of reproach.

2. Ensure that personnel policies and procedures are responsive to victim of domestic violence.

3. Develop and make available to all employees a policy that:

a) Clearly directs that the state will not tolerate domestic violence. This includes harassment or the display of violent or threatening behavior that may result in physical or emotional injury to any state employee while in state offices, facilities, work sites, vehicles, or while conducting state business.

b) Offers a method for providing assistance to domestic violence victims in a confidential setting.

c) Provides for immediate assistance to victims. This assistance shall, at a minimum, include: referral to the Department of Personnel's Employee Advisory Service or other available counseling services; information about community resources available to assist victims of domestic violence; development of workplace safety plans that seek to minimize the risk to the victim, other employees, and clients; and information on the methods to obtain civil orders of protection.

d) Following any applicable rules or statutes, assures that every reasonable effort will be made to adjust work schedules and/or grant accrued or unpaid leave to allow employees who are victim of domestic violence to obtain medical treatment, counseling, legal assistance, to leave the area, or to make other arrangements to create a safer situation for themselves.

e) Assures that every reasonable effort will be made to assist employees who are victims of domestic violence to find continued state employment when there is a need for the employee to relocate for safety reasons.

f) Encourages state employees who are perpetrators of domestic violence to seek assistance.

g) Provides for 'assistance to perpetrators. This assistance shall, at a minimum, include: referral to the Department of Personnel's Employee Advisory Service or other available counseling services; and information about available certified domestic violence perpetrator treatment programs.

h) Provides that corrective or disciplinary action may be taken against state employees who: misuse state resources to perpetrate domestic violence; harass, threaten, or commit an act of domestic violence in the workplace or while conducting state business; or are arrested, convicted, or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee's duties as a state employee.

i) Provides that employees will not be penalized or disciplined solely because they have been victims of domestic violence.

4. Provide training on their respective policies and domestic violence awareness. The training shall include, at a minimum, information as to: what domestic violence is; what resources are available to victims and perpetrators; and what an employee can do if the employee believes a co-worker is a victim or perpetrator of domestic violence.

5. Have information about domestic violence and available resources posted in the worksite. Also, information needs to be available where employees can obtain it without having to request it or be seen removing it.

Information Technology Security Training

What: IT Security Training

Who: State agency personnel

Frequency: Annually to ensure staff are aware of any changes to IT security standards and policies

[RCW 43.41A.027](#)

Security standards and policies — State agencies' information technology security plans and programs.

The office shall establish security standards and policies to ensure the confidentiality, availability, and integrity of the information transacted, stored, or processed in the state's information technology systems and infrastructure. Each state agency, institution of higher education, the legislature, and the judiciary must develop an information technology security plan and program.

Each state agency information technology security plan and program must adhere to the office's security standards and policies. Each state agency must review and update its plan and program annually and certify to the office that its plan and program is in compliance with the office's security standards and policies. The office may require an agency to obtain an independent compliance audit of its information technology security plan and program.

[OCIO Policy 141 \(5\)](#)

5. Each agency will ensure every employee is adequately trained to perform the security procedures for which they are responsible.

[OCIO Policy 141 \(6\)](#)

6. Each agency will establish and maintain an agency security program that includes information technology security policies, procedures, and any other documents necessary to the program.

6.1. The agency will review this program at least annually, and make appropriate updates after any significant change to its business operations, computing, or telecommunications environment.

[OCIO Policy 141](#)

Responsibilities: Agency Heads

- Ensure agency security policies, procedures and any other documents necessary for the security program are developed, implemented, maintained, and tested.
- Ensure staff is trained to follow security policies, standards, and procedures.**

Sexual Harassment Awareness and Prevention

What: Training on Sexual Harassment Awareness and Prevention.

Who: Managers and staff at all levels

Frequency:

- All Staff: Every Five Years
- Managers/Supervisors: Additional training every three years

WAC 357-34-100

How often are general government employees required to complete sexual harassment awareness and prevention training?

General government employees are required to complete sexual harassment awareness and prevention training at least every five years. For new employees sexual harassment awareness and prevention training should be completed within the first six months of employment, or earlier if required by the employer's sexual harassment policy.

WAC 357-34-105

How often are general government managers and supervisors required to complete additional sexual harassment awareness and prevention training?

Effective July 1, 2008, in addition to the training described in WAC 357-34-100, all managers and supervisors of general government agencies are required to complete training on managers' roles and responsibilities regarding sexual harassment every three years. For new supervisors and managers, training on roles and responsibilities should be completed within the first six months of becoming a manager or supervisor.

WAC 357-34-110

Under what circumstances may the general government employer waive the required sexual harassment awareness and prevention training for a new employee?

General government employers may waive the sexual harassment awareness and prevention training or the managers' roles and responsibilities training required for a new employee if the employee can show proof of attending training given by another state agency, within the time frame that satisfies the requirements of this chapter.

If the sexual harassment awareness and prevention training is waived for a new employee the agency must review their sexual harassment policy with the new employee. The employee must take the next training within five years of completion of the sexual harassment awareness and prevention training or within three years of completion of the managers' roles and responsibilities training with their former state agency.

WAC 357-34-115

What must be included in the required sexual harassment awareness and prevention training?

The requirements of the sexual harassment awareness and prevention training will be published by the director's office. (See next page of this document for the requirements)

WAC 357-34-120

Who provides the required sexual harassment awareness and prevention training?

Either the department of enterprise services or the agency may provide the sexual harassment awareness and prevention training.

Requirements of the Sexual Harassment Awareness and Prevention Training

Sexual Harassment Awareness & Prevention training content must include the following:

1. Explanation of how sexual harassment impacts the workplace, including the victim, harasser, co-workers, customers, and the public.
2. Identification of the applicable laws prohibiting sexual harassment.
3. Definition of sexual harassment.
4. Definition and discussion of Quid Pro Quo and Hostile Work Environment harassment.
5. Explanation of the forms that sexual harassment can take (verbal, non-verbal, or physical behavior).
6. Description and discussion of the various manifestations of sexual harassment, e.g.,
 - Conduct outside the office.
 - Sexual orientation.
 - Ongoing or formerly consensual office relationships.
 - 3rd party harassment.
 - Sexually charged work environment.
7. Discussion of the Agency's policy prohibiting sexual harassment, including:
 - Who is covered by the policy.
 - Employee's rights and responsibilities under the policy, e.g.,
 - Right to be free from sexual harassment.
 - Responsibility to not engage in sexual harassment.
 - Responsibility to cooperate in any investigation under the policy.
 - Right to be free from retaliation for making a complaint or participating in a process under the policy.
 - Responsibility to refrain from retaliating against anyone for making a complaint or participating in a process under the policy
 - Supervisor's and managers' responsibilities under this policy, e.g.,
 - Refrain from engaging in sexual harassment.
 - Respond to observed or reported instances of sexual harassment.
 - Refrain from retaliation.
 - Agency investigation process, including:
 - Identifying to whom complaints may be directed.
 - Explaining that confidentiality cannot be guaranteed.

8. A requirement that participants acknowledge that they:
 - Attended the training.
 - Understood their responsibility to maintain an environment free from sexual harassment and their responsibility to not engage in behavior which constitutes sexual harassment.
 - Received a copy of their agency policy and will comply with the requirements of the policy
9. The course must be a minimum of two hours in length.

Supervisory Training

What: Supervisory or Managerial Training
Who: Managers and supervisors
Frequency: Once

[WAC 357-34-055](#)

Are employees appointed to a supervisory or management position required to complete any special supervisory or managerial training?

Employees appointed to a permanent supervisory or management position must successfully complete entry-level supervisory or managerial training.

Employees appointed to a permanent supervisory or management position must successfully complete entry-level supervisory or managerial training. (See WAC [357-34-075](#) for exceptions to this requirement.)

[WAC 357-34-060](#)

What administrative requirements must be met for the employee to satisfy the training required by WAC [357-34-055](#)?

For an employee to satisfy the entry-level supervisory or managerial training required by WAC 357-34-055, all of the following requirements must be met:

- (1) The training program must include at least twenty-four hours of instruction.
- (2) The training must have occurred in the last five years.
- (3) The program must be sponsored by a state agency, post-secondary educational institution, vocational school, or professional organization.

[WAC 357-34-065](#)

What must be included in the required supervisory or managerial training?

- (1) At a minimum, the entry-level supervisory or managerial training required by WAC [357-34-055](#) must include all of the following topics:
 - (a) The role and legal responsibilities of a supervisor/manager.

- (b) Performance management, including employee performance evaluation, development, counseling or coaching, and discipline.
 - (c) Compensation practices.
 - (d) Recruitment and selection processes and practices.
 - (e) Labor relations practices and processes.
- (2) In addition, supervisors and managers may also receive training on other topics identified by the employer.

WAC 357-34-070

When must employees appointed to supervisory or management positions be enrolled in the required training?

Employees appointed to a permanent supervisory or management position must be enrolled in the required training within six months of the date of their appointment, or if a program is not available, as soon as possible after it becomes available. When training opportunities are available, the employer may suspend the entry-level training requirement for up to a maximum of an additional six months in cases where the ability of the employer to perform its responsibilities would be adversely affected by the absence of the employee from the work site.

WAC 357-34-075

Under what circumstances may the employer waive the requirement for an employee to complete supervisory or managerial training?

The employer may waive the requirement for entry-level supervisory or managerial training in cases where:

- (1) The employee has at least one year of experience in a supervisory or management position at some point prior to the present appointment and has demonstrated experience and competence as a substitute for training; or
- (2) The employee can demonstrate that before this appointment the employee completed training that satisfies the requirements of WAC [357-34-060](#) and [357-34-065](#)

WAC 357-34-090

Who provides the required supervisory or managerial training?

The department of enterprise services provides training activities to fulfill the requirement in WAC [357-34-055](#) and/or consultative services, as requested, to assist employers in development of their own programs. Employer-developed training must satisfy the requirements of WAC [357-34-060](#) and [357-34-065](#).

Additional Recommended or Agency Required Trainings:

Ethics in State Government

What: Though not required state-wide, is often an agency-required course
Who: All State Employees
Frequency: Once

RCW 42.56.365

Executive branch agencies—Ethics advisors—Ethics training.

- (1) Each executive branch agency shall designate an ethics advisor or advisors to assist the agency's employees in understanding their obligations under the ethics in public service act. Agencies shall inform the executive ethics board of their designated advisors. As funding permits and as determined by the executive ethics board and the agency head, the advisors shall receive regular ethics training.
- (2) Executive branch officers and employees are encouraged to attend ethics training offered by the executive ethics board at least once every thirty-six months.

Collective Bargaining Agreement

What:	2013-2015 Agreement
Who:	Managers and Supervisors.
Frequency:	Once per bargaining agreement period

W.F.S.E 2013-2015 Collective Bargaining Agreement

Article 8 Training and Employee Development
8.3 Master Agreement Training

- A. The Employer and the Union agree that training for managers, supervisors and union stewards responsible for the day-to-day administration of this Agreement is important. The Union will provide training to current union stewards. The Employer will provide training to managers and supervisors on this Agreement.
- B. The Union will present the training to current union stewards within each bargaining unit. The training will last no longer than four (4) hours. The training will be considered time worked for those union stewards who attend the training during their scheduled work shift. Union stewards who attend the training during their non-work hours will not be compensated. The parties will agree on the date, time, number and names of stewards attending each session.

Coalition 2013-2015 Collective Bargaining Agreement

Article 9 Training and Employee Development
9.14 Master Agreement Training

- A. The Employer and the Union agree that training for managers, supervisors and union stewards responsible for the day-to-day administration of this Agreement is important. The union will provide training to current union stewards, and the Employer will provide training to managers and supervisors on this Agreement.
- B. The Union will present the training to current union stewards within each bargaining unit. The training will last no longer than four (4) hours. The training will be considered time worked for those union stewards who attend the training during their scheduled work shift. Union stewards who attend the training during their non-work hours will not be compensated. The parties will agree on the date, time, number and names of stewards attending each session. The training will be completed by the parties within ninety (90) days of publishing or posting of this Agreement.

Professional and Technical Employees Local 17

Article 8 Training and Employee Development

8.3 Master Agreement Training

- A. The Employer and the Union agree that training for managers, supervisors and union stewards responsible for the day-to-day administration of this Agreement is important. The Union will provide training to current union stewards. The Employer will provide training to managers and supervisors on this Agreement.
- B. The Union will present the training to current union stewards within each bargaining unit. The training will last no longer than four (4) hours. The training will be considered time worked for those union stewards who attend the training during their scheduled work shift. Union stewards who attend the training during their non-work hours will not be compensated. The parties will agree on the date, time, number and names of stewards attending each session

Teamsters Local Union 17 Collective Bargaining Agreement

Article 11 Bargaining Agreement Training

11.1 Purpose

It is to the benefit of the parties that those local representatives of both the Employer and the Union responsible for the day-to-day administration of this Agreement have a common understanding from which to begin its administration.

11.2 Training Responsibilities

Within ninety (90) calendar days of the date that the agreement is signed, the Employer and the Union will initiate a bargaining agreement training program. The Union will ensure that training is provided to current Shop Stewards, and the Employer will ensure that training is provided to managers and supervisory staff.

11.3 Shop Steward Training

To accomplish the foregoing, the Union will present the trainings to current Shop Stewards at all institutions. The Employer agrees to release all Shop Stewards in order for them to attend training. At each institution, one (1) training will be scheduled on each shift to last no longer than two (2) hours. This training will be considered time worked for those Shop Stewards who are on duty. Shop Stewards who voluntarily attend training during off-duty hours will not be compensated. The Union will give fourteen (14) calendar days advance notice of the trainings to the Department of Corrections Labor Relations Office, and the trainings will be scheduled at a mutually agreeable time. Shop Stewards who are appointed after the training at their institution has been completed will be released for training on the same basis.

Washington Public Employees Association (WPEA)

Article 8.4 Master Agreement Training

- A. The Employer and the Union agree that training for managers, supervisors and shop stewards responsible for the day-to-day administration of this Agreement is important. The Union will provide training on this Agreement to shop stewards, and the Employer will provide training to managers and supervisors.

- B. The Union will present the training to union shop stewards within each bargaining unit. The training will last no longer than four (4) hours. The training will be considered time worked for those union shop stewards who attend the training during their scheduled work shift. Union shop stewards who attend the training during their non-work hours will not be compensated. The parties will agree on the date, time, number and names of the shop stewards attending each session. Travel time and expenses will not be paid by the Employer.

First Aid

What: First-aid Training

Who: State agency personnel

Frequency: Whenever certificate expires, for staff not in proximity to an infirmary, clinic, or hospital.

Proximity is generally defined as 3-4 minutes from the workplace. U.S. Dept. of Labor Occupational Safety & Health Administration interpretation available at

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=25627

[RCW 49.17.010](#)

The legislature finds that personal injuries and illnesses arising out of conditions of employment impose a substantial burden upon employers and employees in terms of lost production, wage loss, medical expenses, and payment of benefits under the industrial insurance act. Therefore, in the public interest for the welfare of the people of the state of Washington and in order to assure, insofar as may reasonably be possible, safe and healthful working conditions for every man and woman working in the state of Washington, the legislature in the exercise of its police power, and in keeping with the mandates of Article II, section 35 of the state Constitution, declares its purpose by the provisions of this chapter to create, maintain, continue, and enhance the industrial safety and health program of the state, which program shall equal or exceed the standards prescribed by the Occupational Safety and Health Act of 1970 (Public Law 91-596, 84 Stat. 1590).[1973 c 80 § 1.]

[WAC 296-800-15005](#)

You must:

Comply with the first-aid training requirements of 29 C.F.R. 1910.151(b) which states: **"In the absence of an infirmary, clinic, or hospital in near proximity to the workplace, which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid."**

[WAC 296-800-15020](#)

You must:

- Make sure first-aid supplies are readily available.
- Make sure first-aid supplies at your workplace are appropriate to:
 - Your occupational setting.
 - The response time of your emergency medical services.

Note: First-aid kits from your local retailer or safety supplier should be adequate for most nonindustrial employers.

You must:

- Make sure that first-aid supplies are:
 - Easily accessible to all your employees.
 - Stored in containers that protect them from damage, deterioration, or contamination. Containers must be clearly marked, not locked, and may be sealed.
 - Able to be moved to the location of an injured or acutely ill worker.

Open Government Training

What: Open Public Meetings and Records Management and Retention Training

Who: Records Officers, Members of Governing Bodies, Elected Local and Statewide Officials

Frequency: Once with "refresher" training every four years

Training is Required. Effective July 1, 2014, the Open Government Training Act (ESB 5964) requires many public officials and all agency records officers to receive training.

State Laws. Washington's open government requirements are in state law.

RCW 42.56 Open public records.

RCW 42.30 and **RCW 42.32** Open public meetings. These are Washington's "sunshine laws."

RCW 40.14 Records management and retention.

1. Why did the Legislature enact this new law?

Answer: The bill was introduced at the request of the Attorney General, with bipartisan support. A 2012 Auditor's Office report noted more than 250 "open government-related issues" among local governments. These included issues concerning the Open Public Meetings Act (OPMA) at RCW 42.30. In addition, in recent years the courts have imposed some significant monetary penalties against state and local public agencies due to their non-compliance with the Public Records Act (PRA) at RCW 42.56. Most violations are not malicious or intentional; they are often the result of insufficient training and knowledge. The comments to the Attorney General's Office advisory Model Rules on the PRA, and case law, have recognized that PRA training for records officers is a best practice. See, for example, WAC 44-14-00005.

The Legislature passed ESB 5964 in March 2014 and the Governor signed it on March 27, 2014. The Act is designed to foster open government by making open government education a recognized obligation of public service. The Act is also designed to reduce liability by educating agency officials and staff on the laws that govern them, in order to achieve greater compliance with those laws. Thus, the Act is a risk management requirement for public agencies. The Act provides for open public meetings and records trainings. In sum, the Act is intended to improve trust in government and at the same time help prevent costly lawsuits to government agencies.

2. What is the Act called?

Answer: The Open Government Trainings Act.

3. When is the Act effective?

Answer: July 1, 2014

4. What is a quick summary of the Act's requirements?

Answer: The Act requires basic open government **training** for local and statewide officials and records officers.

Training covers two subjects: public records and records retention ("records training"), and open public meetings. You may be required to take trainings on one or both subjects depending on what governmental position you fill.

5. What is the Attorney General's Office role?

Answer: The Attorney General's Office may provide information, technical assistance, and training. See also RCW 42.56.570 and RCW 42.30.210. The office maintains and provides a public web page with training videos as well as training resources.

The office is also providing other assistance such as this Q & A guidance. The Assistant Attorney General for Open Government (ombudsman) is also available as a resource. See Q &

A Nos. 13 and 22.

6. Who is subject to the Act's training requirements?

Answer:

► **Members of governing bodies.**

Members of a governing body of a public agency subject to the OPMA must receive **open public meetings training (OPMA training concerning RCW 42.30)**. "Public agency" and "governing body" are defined in the OPMA. RCW 42.30.020.

They include members of city councils, boards of county commissioners, school boards, fire district boards, state boards and commissions, and other public agency boards, councils and commissions subject to the OPMA. Effective July 1, 2014, those members must receive OPMA training no later than 90 days after they take their oath of office or assume their duties. They can take the training before they are sworn in or assume their duties of office. They must also receive "refresher" training at intervals of no more than four years, so long as they are a member of a governing body.

Note: *If a member of a "governing body" is also an elected local or statewide official, he or she must receive both open public meetings and records trainings (see next bullet).*

* * *

► **Elected local and statewide officials.**

Every local elected official, and every statewide elected official, must receive **records training (PRA training concerning RCW 42.56, plus records retention training concerning RCW 40.14)**.

Effective July 1, 2014, they must receive this training **no later than 90 days** after they take their oath of office or assume their duties. They can take the training before they are sworn in or assume their duties of office. **They must also receive "refresher" training at intervals of no more than four years.** **Note:** *If an elected local or statewide official is also a member of a "governing body," the official must receive both open public meetings and records trainings.*

* * *

► **Records officers.**

Public records officers for state and local agencies, and state agency records (retention) officers designated under RCW 40.14.040, must receive **records training (PRA training concerning RCW 42.56 and records retention training concerning RCW 40.14)**. Effective July 1, 2014, they must receive this training **no later than 90 days** after they assume their duties. They must also receive "refresher" training at intervals of no more than four years.

Note: *While Section 4(2) of the bill refers to "public records officers" in the training schedule, the act's training requirements were intended to apply to both public records officers under the PRA and to state agency records officers designated under RCW 40.14.*

* * *

► **Others.**

Other public agency officials and employees who are not listed in the Act are not required to receive training. However, this Act sets only minimum training. Agencies may wish to provide or arrange for additional or more frequent training, or training for additional staff.

Training is essential because even one unintentional mistake can amount to a violation of the PRA or OPMA. PRA training reduces risks of lawsuits. As the State Supreme Court has explained, "An agency's compliance with the Public Records Act is only as reliable as the weakest link in the chain. If an agency employee along the line fails to comply, the agency's response will be incomplete, if not illegal." *Progressive Animal Welfare Society v. University of Washington*, 125 Wn.2d 243 (1995). And the Supreme Court has held that PRA training can reduce PRA penalties. *Yousoufian v. Office of Ron Sims*, 168 Wn.2d 244 (2010).

As a consequence, an agency may want persons who are not listed in the Act to receive training. How much training each employee receives may depend on his or her role. For

example, an agency may want all employees to be trained on the basics of records management, search requirements, how to identify a request for records, and what is a public record. An agency could include basic records training in all its new employee orientations, covering both PRA and records retention.

Other employees may benefit from additional training. For example, public records officers may have other designated staff to assist them in responding to records requests. Thus, records training would be useful for those staff. And, that records training for those who regularly assist public records officers may be more detailed or frequent than, say, that provided to a board member. Or, while a local government agency is not required to formally designate a records retention officer under RCW 40.14.040, as a practical matter, the agency may have staff who is key in maintaining records using the local government records schedules. Therefore, those local government agencies may want to provide or arrange for those staff to receive training on RCW 40.14.

Or, a board may have a staff member or clerk who posts meeting notices and agendas, and maintains minutes, so that person may likely benefit from training on the open public meetings requirements under the OPMA.

And, regular refresher training may be appropriate for any of these employees, depending upon the person's governmental position and developments in the law.

In sum, while training is not required for governmental positions not listed in the Act, the Attorney General's Office encourages agencies to consider that persons in other positions are subject to or working with these laws, and would likely benefit from receiving training, if feasible. Training on the laws is a best practice, even if not specifically required by the Act. Education helps support transparency in government and reduces risk to agencies.

7. Who is not subject to the Act's training requirements?

Answer: As noted in Q & A No. 6, public agency employees and officials not listed in the Act are not required to receive training. The courts and the State Legislature are also not required to receive training (unless the person also holds another governmental position where training is required, for example, serving on a governing body subject to the OPMA). Even so, the Act does not restrict them from receiving or participating in open government training.

Others not subject to the Act include board members, officials or employees of purely private organizations. Examples are nonprofit boards, homeowners associations, or other private entities that are not a public agency or the functional equivalent of a public agency.

8. What if I am in my elected position (an incumbent) on July 1, 2014, and I am not up for re-election in 2014? How does the training schedule work for me? What if I already received training in 2014?

Answer: Even if not specifically required by the Act, we recommend that incumbents in office on July 1, 2014 receive training for each of the required sections of law during 2014, if they have not already received such training. If they have already received training in 2014 for the required sections of law, we suggest they document it. (See Q & A No. 17). Then, calendar refresher trainings at intervals of no later than four years (as long as you are a member of the governing body or public agency). We suggest this approach for several reasons.

- First, the training will help establish a “**culture of compliance**” with open government laws in the agency if officials and others subject to the Act demonstrate they have recently received or are quickly willing to receive the training.
- Second, it will help set a similar “**base year**” for scheduling four-year refresher trainings if several officials in a public agency are required to receive that training.

- Third, it is a **good idea** for an elected official to receiving training in 2014, even if the training covers some of the same topics previously reviewed during an earlier year's orientation or training. Given the public interest in these laws, it is good to keep them in the forefront of the official's or employee's base knowledge. And, there may be new developments in the statutes or court decisions that were not covered in a prior training.
- Finally, the **sooner training is received and documented, the sooner that information will be available** to a court or others if needed. Since 2010, the State Supreme Court has said it will consider PRA training in assessing penalties for public records violations specified in the PRA. (See more discussion under Q & A No. 20 discussing non-compliance with the Act.)

9. What if I am in my elected position (an incumbent) on July 1, 2014, and I am seeking reelection in 2014? How does the training schedule work for me?

Answer: Incumbents who are re-elected in November 2014 must receive training **no later than 90 days** after they take their new oath of office or otherwise assume their duties. However, they can take the training sooner. Therefore, they could either take the training some time by the end of 2014 (perhaps with other officials and staff receiving training in 2014), **or they could wait to take the training within 90 days after they take their oath of office** or otherwise assume their duties of office if re-elected in November.

Then, refresher training must be taken no later than every four years (as long as you are a member of the governing body or public agency).

10. What if I am in my position as an incumbent public records officer or records officer on July 1, 2014? How does the training schedule work for me?

Answer: If you were in your position prior to July 1, 2014, and you have already received training in 2014, we recommend you document it. However, if you did not receive any records training in 2014, we recommend you receive training this year, given the reasons and approach stated in Q & A No. 8, and document that training. (See Q & A No. 17). Then, 2014 becomes your "base year" from which you schedule the refresher trainings that are required no more than four years later (as long as you are in the records officer position).

If you are appointed on or after July 1, 2014, you will need to receive training **no later than 90 days** after assuming your duties, and then receive refresher trainings no more than four years later.

You can receive more frequent trainings, too, if feasible. More frequent trainings are not restricted in the Act.

11. What must the training include?

Answer: **Open public meetings training** should cover the basics of the OPMA.

The Act does not provide further details. However, for example, the training could cover the purpose of the act, requirements for regular and special meetings, public notice, executive sessions, and penalties.

The training may also include the requirement to maintain minutes and have them open for public inspection, as described in another law at RCW 42.32.030.

The Attorney General's Office online OPMA video and OPMA Power Point cover the basics of the OPMA and satisfy this requirement.

Records training – PRA.

Training on the Public Records Act should cover the basics of the PRA at RCW 42.56. Training must be consistent with the Attorney General's Office Model Rules. The Act does not provide further details.

However, for example, the training could cover the purpose of the PRA, what is a "public record," basic public records procedures, how an agency responds to requests, searches, what an agency must do before withholding information in a record from the public, and penalties. The training might also cover an agency's particular PRA procedures set out in its rules or policies.

The Attorney General's Office online PRA video and PRA Power Point cover the basics of the PRA and satisfy this requirement.

Records training – records retention.

Record retention training should cover the basics of RCW 40.14.

The Act does not provide further details. However, for example, the training could cover basic retention requirements, what is a records retention schedule, and a brief description of what schedule(s) apply to the agency. For board members, it may also specifically cover how to manage emails and other electronic records. For a records officer, the training may be much more detailed, addressing more specifically the agency's records retention schedules and categories of records.

The Washington State Archives records retention training covers the basics of records retention and satisfies this requirement.

The four-year "refresher" training should cover the basic requirements in effect at the time of the training. It is a good idea to cover any recent developments in the law since the last training. Under the Act, the refresher trainings must occur at intervals of no more than four years.

There may be options an agency wants to consider for giving refresher training. For example, it may be useful to have a refresher training once a year such as at a board meeting or staff workshop. In that way, officials and employees subject to these laws can receive ongoing refreshers as well as updates on the laws, without needing to individually calendar the four-year cycle.

12. Who will provide the training?

Answer: That choice is up to each agency official and employee, depending on the agency's needs and resources. The Attorney General's Office has provided a web page with training information. That web page includes resources for PRA and OPMA training. Examples include Power Point presentations, videos, manuals, and links to other training resources. The web page also provides links to the Washington State Archives online training materials and other information describing records retention requirements. Other training options are available as well. See Q & A No. 13.

13. What are the training options for an official or employee?

Answer: There are many options to receive training. To illustrate, an official or employee could take training in any of the following ways:

- **In-House Training at the Agency.**
- In-house training provided by the agency's legal counsel, assigned Assistant Attorney General, or agency staff familiar with the requirements of the law.
- Training through videos or Power Points at a board meeting or staff meeting or workshop, perhaps with someone available to answer follow-up questions.
- Training as part of the orientation for new members and new staff.
- **Internet or Remote-Technology Based Training.**
- Online or internet-based training, webinar training, or training via Skype.

- The training resources provided on the Attorney General’s Office training web page includes videos and links to training materials. The Attorney General’s Office OPMA and PRA videos and two Power Point presentations linked there satisfy the OPMA and PRA training requirements. The State Archives records retention training linked there satisfies the records retention training requirements.

Training from Public Agencies or Public Agency Associations.

- Training offered by or at other public agencies or associations.
- For example, training may be provided by a school board association, a fire district association, a public records officer association, and similar entities.
- The Attorney General’s Office is also examining whether its training videos can be made available online on the State of Washington Department of Enterprise Services “Learning Management System” website for state employees.

Outside Training.

- Training from an outside private trainer.
- For example, a resource for local governments is the Municipal Research and Services Center.
- The Washington State Bar Association may also provide Continuing Legal Education (CLE) programs, particularly on the PRA and OPMA. These may be useful for persons who are attorneys who must receive training under the Act and who are also required by the WSBA to obtain CLE credits.

Washington State Archives - Records Retention Training.

- The Washington State Archives provides guidance and support to state and local government agencies in public records management by offering education and training opportunities.
- Information about the State Archives training for state agencies and local agencies is available online.
- Another option is to ask the State Archives staff to provide records retention training or to guide the agency to other useful records retention training resources. An agency can contact the State Archives by email at recordsmanagement@sos.wa.gov or by telephone at (360) 586-4901.

Attorney General’s Office In-Person Training. [Section 5]

- Ask the Assistant Attorney General for Open Government to provide PRA or OPMA training.
- *Note:* There may be minimum audience size, travel and other factors to consider. □

Other Training.

- Consider other training options that cover the open public meetings and records training requirements.
- The Act was designed to be flexible so an agency official or employee could select a training option that best fits his/her needs, governmental position, and agency resources.

14. What does it mean when the Act says that the PRA training must be consistent with the Attorney General’s Office PRA Model Rules?

Answer: The Attorney General has, in chapter 44-14 WAC, adopted “Model Rules” on PRA compliance to provide information to agencies and to requestors about “best practices” for

complying with the PRA. While the PRA Model Rules are advisory (RCW 42.56.570), they are also noted as a training tool in the Act. We believe they are used and referenced by many agencies today. As such, they are a good training foundation from which an agency can conduct or design PRA training. The Model Rules are also available on the office's Open Government Training web page.

The Attorney General's Office PRA training video available on our web page is consistent with the Model Rules.

15. Does the Act require the Attorney General's Office to approve or certify training?

Answer: No.

16. Are there a minimum number of hours required for training?

Answer: No.

However, basic training for the OPMA and PRA should probably last no less than 15 – 20 minutes each, and basic records retention training should probably last 10-15 minutes. More detailed and longer training may be appropriate for some positions. For example, records officers may want to receive more detailed training on the PRA and records retention schedules, and/or receive training more often than once every four years.

17. Should an official or employee document the training? If so, how?

Answer: The Act does not require training to be documented. Even so, we recommend officials and employees subject to the Act document this training, and we recommend that their agencies assist them. An agency will want to have training information available to a court or to others if needed. (See Q & A No. 20 regarding possible consequences of non-compliance.)

The Act also contains no requirements describing how to document training. Every agency may be different in how it maintains its employees' or officials' training records. Or, if the training is conducted at a board meeting, the minutes can reflect that the training was provided and who attended. The minutes would also qualify as documentation.

The AGO has prepared sample documentation forms (a sample certificate and a sample training roster) which are available on the open government training web page. Other forms or methods of documenting training are fine as well.

If an incumbent official or staff member has already received training during 2014, we recommend the official or staff member, or agency, document that training, too, if they have not already done so.

18. Is an official, employee or agency required under the Act to report completed trainings or provide training documentation or data to the Attorney General's Office?

Answer: No.

19. What is the training cost to the official, employee or agency?

Answer: The cost depends on what trainings the officials or employees take. They may incur travel costs on behalf of their agency, but if they take online training, the "cost" is primarily only their time. There is no cost to take the online trainings available on the Attorney General's Office website; they are free. There is no cost to take the State Archives online trainings on records retention; they are also free.

Many agencies that currently arrange for training on these open government laws, or other topics, already either use their own staff to conduct the trainings (such as their attorneys) or seek out other trainings from other organizations/associations. Thus, those are the types of costs currently taken into account by agencies.

20. What is the penalty for an official's or employee's non-compliance with the Act?

Answer: The Act does not provide any new penalties for an official or staff member not receiving required training. The Act does not provide any new penalties for an agency not providing training. The Act does not create a new cause of action in court regarding training under the OPMA, PRA, or records retention laws. Remember, the Act is intended to reduce liability, not create new lawsuits. [See, e.g., Section 1]

However, under current case law, a court can consider whether agency staff received training when it is determining whether to assess a penalty for violations of other sections of the PRA (as specified in the PRA). That is, under current case law, evidence of training can mitigate an agency's exposure to penalties; absence of training can aggravate penalties.

21. What is the bottom line?

Answer: In sum, training is required by the new Act effective July 1, 2014. And, under current law and guidance, training is also in the agency's and the public's best interests. That is, it is already a best practice for officials and other employees who work with those open government laws to receive training, so they can better comply. The new Act simply takes that best practice one step further, by requiring training for many officials and records officers.

22. Who can we contact for more information?

Answer: You may contact the Attorney General's Office:

Nancy Krier

Assistant Attorney General for Open Government

(360) 586-7842

Nancyk1@atg.wa.gov

Attorney General's Office Open Government Training Page:

<http://www.atg.wa.gov/OpenGovernmentTraining.aspx>

* * *

Information about State Archives records management and retention training for state and local agencies is available at:

<http://www.sos.wa.gov/archives/RecordsManagement/>

Agencies can contact the State Archives by email at recordsmanagement@sos.wa.gov

or by telephone at (360) 586-4901.

Last Update: 6/15/07

Public Records Act – Model Rules

[Complete Chapter](#)

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- [44-14-00002](#) Format of model rules.
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- [44-14-01001](#) Scope of coverage of Public Records Act.
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- [44-14-020](#) Agency description—Contact information—Public records officer.
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- [44-14-04004](#) Responsibilities of agency in providing records.
- [44-14-04005](#) Inspection of records.
- [44-14-04006](#) Closing request and documenting compliance.
- [44-14-04007](#) Later-discovered records.

PROCESSING OF PUBLIC RECORDS REQUESTS—ELECTRONIC RECORDS

- [44-14-050](#) Processing of public records requests—Electronic records.
Comments to WAC [44-14-050](#)
- [44-14-05001](#) Access to electronic records.

- [44-14-05002](#) "Reasonably locatable" and "reasonably translatable" electronic records.
- [44-14-05003](#) Parties should confer on technical issues.
- [44-14-05004](#) Customized access.
- [44-14-05005](#) Relationship of Public Records Act to court rules on discovery of "electronically stored information."

EXEMPTIONS

- [44-14-060](#) Exemptions.
Comments to WAC [44-14-060](#)
- [44-14-06001](#) Agency must publish list of applicable exemptions.
- [44-14-06002](#) Summary of exemptions.

COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

- [44-14-070](#) Costs of providing copies of public records.
Comments to WAC [44-14-070](#)
- [44-14-07001](#) General rules for charging for copies.
- [44-14-07003](#) Charges for electronic records.
- [44-14-07004](#) Other statutes govern copying of particular records.
- [44-14-07005](#) Waiver of copying charges.
- [44-14-07006](#) Requiring partial payment.

REVIEW OF DENIALS OF PUBLIC RECORDS

- [44-14-080](#) Review of denials of public records.
Comments to WAC [44-14-080](#)
- [44-14-08001](#) Agency internal procedure for review of denials of requests.
- [44-14-08002](#) Attorney general's office review of denials by state agencies.
- [44-14-08003](#) Alternative dispute resolution.
- [44-14-08004](#) Judicial review.

Quality Management

What: Training on a quality management, accountability, and performance system.
 Who: Managers and staff at all levels
 Frequency: Not mandated, provide training necessary for successful implementation. Lean is the preferred statewide training.

[RCW 43.17.385](#)

(1) Each state agency shall, within available funds, develop and implement a quality management, accountability, and performance system to improve the public services it provides.

(2) Each agency shall ensure that managers and staff at all levels, including those who directly deliver services, are engaged in the system and shall provide managers and staff with the training necessary for successful implementation.

(3) Each agency shall, within available funds, ensure that its quality management, accountability, and performance system:

(a) Uses strategic business planning to establish goals, objectives, and activities consistent with the priorities of government, as provided in statute;

(b) Engages stakeholders and customers in establishing service requirements and improving service delivery systems;

(c) Includes clear, relevant, and easy-to-understand measures for each activity;

(d) Gathers, monitors, and analyzes activity data;

(e) Uses the data to evaluate the effectiveness of programs to manage process performance, improve efficiency, and reduce costs;

(f) Establishes performance goals and expectations for employees that reflect the organization's objectives; and provides for regular assessments of employee performance;

(g) Uses activity measures to report progress toward agency objectives to the agency director at least quarterly;

(h) Where performance is not meeting intended objectives, holds regular problem-solving sessions to develop and implement a plan for addressing gaps; and

(i) Allocates resources based on strategies to improve performance.

(4) Each agency shall conduct a yearly assessment of its quality management, accountability, and performance system.

(5) State agencies whose chief executives are appointed by the governor shall report to the governor on agency performance at least quarterly. The reports shall be included on the agencies', the governor's, and the office of financial management's web sites.

(6) The governor shall report annually to citizens on the performance of state agency programs. The governor's report shall include:

(a) Progress made toward the priorities of government as a result of agency activities; and

(b) Improvements in agency quality management systems, fiscal efficiency, process efficiency, asset management, personnel management, statutory and regulatory compliance, and management of technology systems.

(7) Each state agency shall integrate efforts made under this section with other management, accountability, and performance systems undertaken under executive order or other authority.

New Employee Orientation

What:	WAC 20-600-025
Who:	New employees
Frequency:	Once

What are the employer's training and development responsibilities?

Each employer is responsible for:

- (1) Developing a training and development plan as prescribed by WAC [200-600-025](#); and
- (2) Providing employee orientation, required job-related training, and assistance with career planning.