

Title 316 WAC

MARINE EMPLOYEES' COMMISSION

Chapters

316-02 Rules of practice and procedure—Marine employees' commission.

Chapter 316-02 WAC

RULES OF PRACTICE AND PROCEDURE— MARINE EMPLOYEES' COMMISSION

WAC

316-02-800 Commission records—Public access.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

316-02-810 Commission records—Confidentiality. [Statutory Authority: RCW 34.05.230, 01-01-124, § 316-02-810, filed 12/19/00, effective 1/19/01. Statutory Authority: RCW 47.64.280, 90-01-115, § 316-02-810, filed 12/20/89, effective 1/20/90; 84-07-037 (Resolution No. 84-01), § 316-02-810, filed 3/20/84.] Repealed by 09-21-035, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 34.05.230.

WAC 316-02-800 Commission records—Public access. The commission will maintain for public inspection:

(1) An index to all proceedings filed with and processed by the commission;

(2) A docket for each proceeding filed with and processed by the commission showing the actions taken on and the final resolution of each such proceeding;

(3) A schedule of hearing dates assigned in particular cases; and

(4) The files for all proceedings, including all documents filed with the commission in the particular case, except materials held in confidence as provided in subsection (10) of this section.

(5) Public records availability. All public records of the commission, unless exempt from disclosure under chapter 42.17, 42.30, or 42.56 RCW, shall be available for public inspection and copying in the commission office from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and during commission meetings.

(6) Public records officer. The commission's public records shall be in the charge of the public records officer designated by the chair. The public records officer shall be responsible for implementing the commission's rules and regulations regarding release of public records.

(7) Public records requests. Any member of the public may examine public records of the commission by making a request in writing to the public records officer. Requestors are encouraged to use the form provided by the commission which is available by U.S. mail, fax, e-mail, or on the agency web site. The form includes:

- (a) Name of the person requesting the record;
- (b) Time of day and calendar date of the request;
- (c) The public records being requested;

(d) If the matter requested is referenced within the current case index maintained by the public records officer, a reference to the requested record as it is described in such current index; and

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the request is requested.

The public records officer shall provide an initial response within five business days. If he or she finds that the requested public records should not be disclosed for a reason permissible under chapter 42.17, 42.30, or 42.56 RCW, the requestor will be notified.

(8) Copying costs. No fees shall be charged for the inspection of public records. Requestors may put a Post-it® Note on to identify the pages the requestor wants copied and staff will make the copies. Public records of the commission may be copied only on the copying machine of the commission by staff. The commission shall charge fifteen cents per page for providing copies of public records; fees will be waived for fewer than twenty pages. This charge is the amount necessary to reimburse the commission for its actual costs related to such copying. There will be no charge for public records copied onto a compact disc.

(9) Exemptions. The public records officer may determine that all or a portion of a public record is exempt under the provisions of chapter 42.17, 42.30, or 42.56 RCW. As outlined in RCW 42.17.260(1) and 42.17.310(2), the public records officer may redact (delete) portions of the public records that are exempt from disclosure.

(10) Confidentiality. The commission, in order to protect the privacy of individual employees and in order to respect the confidential nature of the mediation process and other labor-management relations processes, shall not permit the disclosure to any person of:

(a) Any evidence filed as a showing of interest in support of a representation petition or motion for intervention; or

(b) Any notes and memoranda made by any member of the commission or its staff as a recording of communication made or received while acting in the capacity of a mediator between the parties to a labor dispute; or

(c) Any other documents or materials related to mediation other than scheduling information.

Other specifically exempt records are listed in WAC 316-85-020.

(11) Review of denials of public records requests. Any person objecting to a denial of a request for public records may submit a written request for review to the commission specifically referring to the denial and containing a brief statement that gives reasons for reconsideration of the denial. Upon receiving the written request for review, the chairperson will review the denial and issue a written decision within two business days of receiving the request for review. This written decision regarding the request for review shall be the final action by the agency.

(12) Protection of public records. Records are available for inspection and copying at the location and during office hours listed above and then only in the presence of an authorized staff person of the commission and with the aid and assistance of such staff person.

The following guidelines must be complied with while inspecting public records:

(a) No public record may be removed from the agency's premises.

(b) A designated department employee must be present during the inspection of a public record.

(c) A public record may not be marked or defaced in any manner during inspection.

(d) Public records may not be dismantled which are maintained in a file or jacket, or in chronological or other filing order, or those records which, if lost or destroyed, would constitute excessive interference with the department's essential functions.

(e) Access to file cabinets, shelves, vaults, or other storage areas is restricted to department personnel, unless other arrangements are made with the public records officer or designee.

(f) Staff members will not allow records to be inspected or copied by anyone who is intoxicated, violent, abusive, threatening, or otherwise disruptive. Anyone who displays these characteristics during a records inspection may have the inspection terminated by department staff.

(13) Records index. The staff of the commission shall make available to all persons documents which provide identifying information as to the following records issued, adopted, or promulgated by the commission. The commission will maintain for public inspection:

(a) An index to all proceedings filed with and processed by the commission;

(b) A docket for each proceeding filed with and processed by the commission showing the actions taken on and the final resolution of each such proceeding;

(c) A schedule of hearing dates assigned in particular cases; and

(d) The files for all proceedings, including all documents filed with the commission in the particular case, except materials held in confidence as provided in WAC 316-02-800(10).

[Statutory Authority: RCW 34.05.230. 09-21-035, § 316-02-800, filed 10/13/09, effective 11/13/09. Statutory Authority: RCW 47.64.280. 90-01-115, § 316-02-800, filed 12/20/89, effective 1/20/90; 84-07-037 (Resolution No. 84-01), § 316-02-800, filed 3/20/84.]