

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-010 Purpose. The department of labor and industries (L&I) is ~~((a department))~~ an agency of state government created by RCW 43.17.010. ~~((It shall hereafter))~~ In this chapter it shall be referred to as the "department." Where appropriate, "department" also refers to its staff and employees. The ~~((department promulgates))~~ purpose of this chapter is to ensure compliance with the public records provisions of chapter 42.17 RCW ~~((, and in particular with sections of that act dealing with public records))~~.

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-020 Description of department organization (~~of the department~~). (1) **Central organization.** The chief executive officer of the department is the director of labor and industries, (~~hereinafter called~~) referred to here as "director." (~~He or she~~) The director is appointed by the governor with the consent of the senate (~~to hold office~~) and serves at the pleasure of the governor. The department is organized in six regions across five divisions: (~~Industrial insurance, industrial safety and health, industrial relations, apprenticeship, and building and construction safety inspection services.~~) Insurance services, WISHA (Washington Industrial Safety and Health Act) services, specialty compliance services, operations, and field services. Each region and division is responsible to a deputy director or assistant director appointed by the director (~~, although the industrial relations and apprenticeship divisions both report to one assistant director, whose appointment as the head of apprenticeship must be confirmed by the Washington state apprenticeship and training council, the members of which are also appointed by the director. This combined industrial relations and apprenticeship division, which includes a section to administer the Crime Victims Act, chapter 7.68 RCW, is known as the employment standards, apprenticeship and crime victims compensation division~~). Major policy decisions, rule-making, and the primary administrative functions of the department are carried out by the department's central organizations in Olympia.

(2) **Field (~~organization~~) services.**

(~~a~~) The department maintains service locations, or major field offices, in (~~seventeen~~) many cities (~~other than Olympia~~). These service locations are grouped into six regions throughout the state, each (~~of which is~~) headed by a regional (~~field service manager. In addition, certain programs operate field offices in other cities, but these are not complete service locations and are not required to keep complete policy manuals and other records available for public inspection.~~

(b) The department's rehabilitation center in Tukwila is headed by a superintendent) administrator.

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WAC 296-06-030 Locations ~~((of established places))~~ where information about the department may be obtained and the department ~~((is))~~ public records inspected and copied. (1) ~~((Olympia))~~ Tumwater office.

~~((a))~~ The office of the director, the administrative office of the department, the main offices of the divisions ~~((of industrial insurance))~~, and the office of the public records officer are in the ~~((General Administration Building, Olympia))~~ Labor and Industries headquarters building, Tumwater, Washington. ~~((The main offices of the other divisions are located at the following places: Industrial Safety and Health at 805 Plum Street S.E., Olympia, Washington; Apprenticeship, Employment Standards, and Crime Victims Compensation at 925 Plum Street S.E., Olympia, Washington; and Building and Construction Safety Inspection Services at 406 Legion Way S.E., Olympia, Washington.))~~ General information about the department and its divisions may be obtained at ~~((these places))~~ this location, and on the internet at www.lni.wa.gov.

(2) **Field offices.**

(a) General information about the department may also be obtained at its service locations, or ~~((major))~~ field offices, at the following places:

Aberdeen, ((P.O. Box 66,
2700 Simpson Avenue)) 415 West Wishkah, Suite 1B, ((98520-
0013)) 98520-4315

Bellevue,
616 120th Avenue Northeast, Suite C201, 98005

Bellingham, ((P.O. Box 608,
2500 Elm Street, Suite F, 98227)) 1720 Ellis Street, Suite
200, 98225

Bremerton, ((4841 Auto Center Way,
Suite 201, 98312-3440)) 500 Pacific Avenue, Suite 400,
98337-1943

Colville,
298 South Main, Suite 203, 99114

East Wenatchee,
519 Grant Road, 98802-5459

~~((Ephrata,~~

~~21 "C" Street, Southwest, 98823-1895))~~
Everett, P.O. Box 67,
~~((8625 Evergreen Way, Suite 250, 98206))~~ 100th Avenue
Southeast, 98208-3727

~~((Kelso,~~
~~711 Vine Street, 98626-2621))~~
Kennewick, ~~((500 North Morain,~~
~~Suite 1110, 99336))~~ 4310 West 24th Avenue, 99338

Longview,
900 Ocean Beach Highway, 98632

Moses Lake,
3001 West Broadway, 98837-2907

Mount Vernon,
~~((1220 Memorial Highway, 98273-3262))~~ 525 East College Way,
Suite H, 98273

Okanogan, ~~((P.O. Box 632,))~~
1234 2nd Avenue South, 98840-9723

Port Angeles,
~~((1026 East First Street, Suite 1, 98362))~~ 1605 East Front
Street, Suite C, 98362-4628

Pullman,
S.E. 1250 Bishop Boulevard, Suite G, 99163

Seattle,
~~((300 West Harrison, 98119))~~ 315 West 5th Avenue South,
Suite 200, 98104-2607

Spokane,
~~((TAF C33, E. 3901 Main, 99220))~~ N. 901 Monroe, Suite 100,
99201

Tacoma, Room 305, ~~((Public Service Building,~~
~~1305 Tacoma Avenue South, 98402-1988))~~ 950 Broadway, Suite
200, 98402

Tukwila, P.O. Box 69050,
12806 Gateway Drive, Seattle, 98168-3311

Tumwater, P.O. Box 44810,
7273 Linderson Way Southwest, Olympia 98504-4810

Vancouver,
~~((10401 N.E., 4th Plain, 98662))~~ 312 Southeast Stonemill
Drive, Suite 120, 98684

Walla Walla,
1815 Portland Avenue, Suite 2, 99362

~~((Wenatchee,~~

~~123 Ohme Garden Road, 98801))~~

Yakima,
~~((1716 South 16th Avenue, 98902-5713))~~ 15 West Yakima Avenue, 98902-3480

~~(b) ((Information about the extended care services offered injured workers, including physical therapy, special instruction, or vocational counseling, may be obtained from the department's Rehabilitation Center at 12806 Gateway Drive, Tukwila, Washington 98168.))~~ Requests for public records containing confidential information will be processed only through the Tumwater office, unless the requestor is authorized to access them.

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-040 Operations and procedures. The general ~~((course and method of channeling and determining the))~~ operations ~~((of the five divisions))~~ and procedures of the department's ~~((and the nature of requirements of all formal and informal procedures connected therewith))~~ five divisions are summarized ~~((in the following subsections*))~~ below. For more information, go to: www.lni.wa.gov.

(1) ~~((**Industrial insurance.** This division administers medical care and payment of disability compensation for workers (or their dependents or survivors) sustaining job injuries or occupational diseases. Virtually all employers in the state must provide this industrial insurance coverage. The medical program of the state fund is funded through payments by employers and employees. The disability payments by the state fund are funded by premiums collected from employers. Descriptions of procedures to be followed by employers and employees are outlined in department publications entitled *Employers' Guide to Industrial Insurance* and *Workers' Guide to Industrial Insurance Benefits.*~~

~~In order to ensure that premium costs are equitably distributed, the division sets rates, determines classifications, rates individual firms based on claims experience, and periodically audits businesses to ensure accurate reporting and premium payment. Information about the records required during an industrial insurance audit can be found in the department publication *Preparing for Your Audit.*~~

~~The division also provides guidance to individual employers and groups of employers in controlling industrial insurance~~

premiums through better claims management, return to work efforts, and effective safety programs, as well as through a financial incentive program known as retrospective rating. Further information is available in *Guide to Loss Control and Retrospective Rating*.

The department also certifies certain employers to become "self insured," which means that they are permitted to pay the legally defined industrial insurance benefits from their own funds. After the department certifies an employer as a self-insurer, it monitors all claims for injury benefits to make certain employees receive all rightful benefits. Descriptions of procedures to be followed by self-insured employers and their employees are outlined in *Employers' Guide to Self insurance and Employees of Self insured Businesses: Guide to Industrial Insurance Benefits*.

(2) **Industrial safety and health.** This division endeavors to prevent job injuries and illnesses by adopting and enforcing safety and health standards and by training employers and employees in safe working procedures. It administers the Washington Industrial Safety and Health Act (WISHA), operating under a state plan agreement with the federal Occupational Safety and Health Administration (OSHA). Employer and employee procedures and responsibilities are outlined in the department's publications, *A Guide to WISHA* and *Workplace Safety and Health Standards*. Information about voluntary consultations to improve workplace safety can be found in *Free. No Fault. No Hassle.*, and reporting workplace accidents to OSHA is outlined in *Injury and Illness Recordkeeping Requirements*.

(3) **Employment standards, apprenticeship and crime victims compensation.** The industrial relations, or employment standards, portion of this division administers the laws regulating wages, hours, and working conditions. It also enforces the minimum wage and family care laws and may assist in the collection of claims for unpaid wages. The industrial statistician determines the "prevailing rate of wage" on public works contracts and gathers information on wages and conditions of labor in the state, the consumer price index, standard family budgets, and manpower data on the labor force, employment, unemployment, and earnings. The section headed by the supervisor of employment standards administers the state employment standard designed to protect the health, safety, and welfare of the vast majority of employees. This section also issues minor work permits designed to protect young workers from exploitation and hazardous environments. More information on this subject can be found in *Youth in the Job Force: A Guide for Employers and Minor Workers*. Industrial relations agents investigate complaints of violations of employment standards, the minimum wage law and other wage laws; hold conferences between employees and employers; inspect records; make

investigations to determine whether or not there have been violations of statutes, rules, or regulations; and suggest remedial actions.

The apprenticeship portion of this division, with the Washington state apprenticeship and training council, administers the apprenticeship training law for those persons desiring to become skilled in any one of various trades, crafts, and services. Local joint apprenticeship committees and program sponsors throughout the state are responsible for the actual training. This division acts as a liaison between these committees and the council to make certain that the policies of the council are followed uniformly. The division also administers on the job training programs for those persons training in occupations other than occupations in which apprenticeship is an option.

The crime victims compensation section of this division pays medical and disability benefits to innocent victims (or to their dependents or survivors) who sustain injuries as a result of criminal acts. Benefit payments and procedures are outlined in the department's publication *Help for Crime Victims*. This section also certifies local prosecutor based victim witness units.

(4) ~~Building and construction safety inspection services.~~ This division administers programs designed to protect the life, health, and property of the general public. The various sections of this division issue licenses; promulgate rules and regulations; certify standards; and ensure compliance. The division conducts electrical inspections; registers electrical contractors; inspects and regulates the use of boilers and pressure vessels; inspects elevators; ensures compliance with the standards for the manufacture, lease, and sale of mobile homes and recreational vehicles; enforces the statutes, rules, and regulations governing factory built structures; reviews electrical plans for health care facilities, plans for elevators and other conveyances, and plans for factory assembled structures; tests and licenses plumbers and electricians; and registers general and specialty contractors.)) Insurance services.

This division administers Washington's workers' compensation program--medical care and disability benefits for workers who are injured on the job. Every business with employees must provide this coverage. L&I administers the "state fund," which covers the majority of the state's workers. Through its self-insurance program, it also monitors coverage offered by large companies that choose to self-insure and manage their own claims.

This division includes all of the workers' compensation programs that:

✍ Manage injured worker claims;

✍ Bill employers for their required quarterly premiums;
✍ Pay health care (and other) providers for their services.
The division also:

✍ Sets workers' compensation rates;

✍ Helps employers control their premiums through a variety of financial incentive, claims management, return-to-work and safety programs;

✍ Administers the department's crime victims compensation program, which covers those who are injured as a result of criminal acts.

More information is available at www.LNI.wa.gov/ClaimsIns.

(2) WISHA services.

This division administers the Washington Industrial Safety and Health Act (WISHA), under a state plan agreement with the federal Occupational Safety and Health Administration (OSHA). It aids in the prevention of job injuries and illnesses by adopting and enforcing safety and health standards and by training employers and employees in safe working procedures.

Through the RCW, the legislature has directed L&I to administer and enforce three additional programs. These programs are also handled by WISHA:

✍ Asbestos, including certifications and notifications of asbestos projects;

✍ Explosives, regulating the possession, handling, and use of explosives or explosive devices;

✍ Worker and community right to know, which provides a way of communicating information regarding hazardous substances in the workplace and the community.

Employer and employee procedures and responsibilities, and information about voluntary consultations to improve workplace safety can be found on the internet at www.lni.wa.gov/FormPublications. Information about reporting workplace accidents to OSHA can be found on the internet at <http://www.osha.gov/pls/publications/pubindex.list>.

(3) Specialty compliance services.

This division encompasses several diverse programs related to the construction trades, workplace rights, and apprenticeship. Its programs' duties include:

✍ Registering contractors to ensure they are bonded and insured.

✍ Licensing electrical contractors and elevator mechanics.

✍ Certifying plumbers and electricians.

✍ Regulating and inspecting:

- Electrical installations.

- Boilers and pressure vessels.

- Factory assembled structures.

- Elevators and other conveyances.

Employment standards program:

Develops and enforces rules regulating wages (including prevailing wages for public works projects) and hours, and working conditions, including those for teenagers.

Apprenticeship program:

Administers the state's apprenticeship training laws and policies.

(4) Operations.

This area includes several internal support divisions including administrative services, information services, the office of human resources, and fraud prevention and compliance.

Fraud prevention and compliance:

This division encompasses several diverse programs related to the prevention of abuse in the workers' compensation system. Its programs include:

✎ Audit.

✎ Collections.

✎ Detection and tracking.

✎ Firm appeals.

✎ Investigations.

✎ Significant employer cases.

(5) Field services.

This division provides the agency with local department program service throughout its service locations in six geographic regions of Washington.

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-050 ((~~Rules of procedure, substantive rules, general policy statements, and interpretations of general applicability.~~)) **Department rules.** The department's rules ((~~of procedures, substantive rules of general applicability, and statements of general policy and interpretations of general applicability~~)), adopted as authorized by law, are ((~~contained~~)) in Title 296 WAC.

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-080 Authorization ~~((for))~~ to release ~~((of))~~ information. ~~((Any person having a right of privacy in any public records of the department may authorize the inspection and copying of any such records by persons not otherwise so authorized by providing the department with a signed and dated written authorization describing the records covered by the authorization, and naming the person or persons authorized to inspect and copy. In the event that a department file contains information related to a disease or condition usually transmitted through sexual contact, or to testing for the presence of such a disease, the authorization to release information must be specific to sexually transmitted disease. A general authorization to release information is not adequate for the release of information related to sexually transmitted disease. The department shall make a record of all authorizations to release information. The authorizations shall be immediately attached to such files and records and shall become a part thereof. No such authorization shall be valid until submitted to the department.))~~ Some public records are protected from inspection and/or copying by state and/or federal law. You may access these records by either:

 Being the person legally authorized to access them; or
 Getting a notarized written authorization from the person with legal access. This authorization must:

- Include a description of the records.
- State the name of the person or persons authorized to inspect and copy the records.
- Be signed and dated by the person with legal access to the records.

Note: If the records contain information about a disease or a condition usually transmitted through sexual contact, the release authorization must specifically mention sexually transmitted disease.

Authorizations to release information, once submitted to the department, become a part of the public record and the department's files.

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-090 Public records officer. (~~The department's public records officer shall have charge of its public records. He or she shall have an office in the administrative office of the department at Olympia, Washington. He or she shall be responsible for the enforcement of the department's rules and regulations regarding the release of public records, and shall ensure compliance and cooperation of the department's staff with the public records disclosure requirements of chapter 42.17 RCW. He or she may choose such designees as may be necessary.~~) The department will designate a public records officer to be in charge of its public records. This officer will have an office at the department's Tumwater headquarters. They are responsible for the enforcement of the department's rules and regulations regarding the release of public records, and for making sure the department's staff cooperates and complies with the public disclosure requirements of chapter 42.17 RCW. They may appoint delegates to help with the work as necessary.

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-100 Office hours. (~~The customary office hours of the department's Olympia offices and complete service locations, for the purpose of inspection and copying of any of the department's public records as provided by this chapter, shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. The only exceptions to this are the Okanogan and Walla Walla service locations, where the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m.)~~) Inspecting and copying the department's public records will be allowed only during regular office hours, which are 8:00 a.m. through 5:00 p.m. Monday through Friday, not including legal holidays.

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-110 (~~(Requests for)~~) Requesting public records.

~~((Persons requesting opportunity to copy or inspect the department's public records shall follow these procedures:~~

~~(1) Informal oral requests may be made to any of the department's full service locations or its office in Olympia.~~

~~(2) The department may require a person who has made an informal request to submit a formal written request.~~

~~(3) All formal requests shall be submitted by mail or personally to the deputy director or assistant director who heads the division or the section from which records are being requested. If such a request is misdirected, department staff shall forward it to the proper person.~~

~~(4) Each formal request shall include the following information:~~

~~(a) The name of the person or persons making the request;~~

~~(b) The time of day and calendar date on which the request is made;~~

~~(c) The nature of the request, including description of the requested records by title, subject matter, date, and other means of enabling the staff of the department to identify the requested records and make them available.~~

~~(d) A signed statement that the material will not be used for commercial purposes, in the event that a list of any type is included in the material being requested.~~

~~(5) The staff of the department shall assist any person making a request, whether formal or informal, in identifying the requested record or records but in the event the records cannot be identified, the department shall so advise the person making the request, and, in the case of formal requests, return the formal request for resubmission with additional description of the requested records.~~

~~(6) When any request is made to inspect and copy material in files and public records where a right of privacy is involved, or when such files and records are exempt by any other provision of law, inspection and copying shall not be permitted until the authorization described in WAC 296-06-080, together with a formal request, is presented to the department.)) (1) You can request an inspection or copy of the department's public records by either:~~

~~✍ Making a request at any of the department's service locations, listed in WAC 296-06-030; or~~

✍ Sending a written request to the L&I public disclosure unit at:

Department of Labor & Industries
Public Disclosure Unit
Post Office Box 44632
Olympia, WA 98504-4632

Note: If you make an oral request, the department may require you to put your request in writing.

(2) Written requests must include the following:

✍ The requestor's name.

✍ The date the request is being made.

✍ A description of the requested records, including the title, subject matter, date the records were made, and any other identifying information.

✍ A signed statement that the material will not be used for commercial purposes, if the requested material includes a list of individuals.

Note: Department staff will assist the requestor in identifying records if needed. If the request is not clear, the department will ask for clarification. If no clarification is received, the department will not respond.

(3) Records that are protected by an individual's rights to privacy will not be released until the authorization described in WAC 296-06-080 is submitted, with the written request, to the department.

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-120 Copying ((and)) fees. ((Where copies of public records are requested, the department may charge a fee, to be set by the public records officer, for reimbursement of its actual costs incident to such a request. The fees the contractor registration section charges for copies of material from a contractor's file are set out in WAC 296-200-900. Whenever copies of public records are mailed to the person making the request, the department may require reimbursement for postage costs. All copies made at the request of persons desiring copies on copy equipment of the department will be made by department staff at times when the making of such copies will not unreasonably disrupt the operations of the department. If the records to be copied contain information that would violate any right of personal privacy, the department staff member shall prevent such information from appearing on any copy. Where the use of such equipment does not harm the public records or impede the normal work of the department, those requesting copies of public records may use their own copying equipment and paper without charge, but in such event the department staff will supervise the copying at all times.)) The department may charge the requestor a fee for reimbursement of actual copying costs and postage costs. Requestors may make their own copies at a department location, under the supervision of a department staff member, if the records will not be harmed and it will not interfere with the normal work of the department.

Note: The contractor registration section and electrical program charge separate fees for copies of material from a contractor's or an electrician's files. These fees are in WAC 296-200-900 and 296-46B-910.

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-130 Denials of ((requests for public)) records requests. ~~((Only the public records officer or his or her designee shall have the power to deny a request for public records. Action on all such requests shall be prompt. In cases of informal requests, any member of the department's staff to whom an informal request is made may require the person making the request to submit a formal request or such staff member may bring the matter to the attention of the assistant director or his designee of the division from which records are being requested.~~

~~A decision on a formal request may be deferred for a reasonable time but immediate written notice of such deferral shall be given. All denials of requests for public records shall be in written form. All denials shall include a statement specifying the reason for the denial, a statement of any exemption authorizing withholding the record and a brief explanation of how the exemption applies to the record withheld, and the signature of the public records officer or his or her designee.))~~ The public records officer and his or her designees have the power to deny a request for public records. Denials must include:

-  The reason for the denial.
-  A statement of any exemption that authorizes the denial of the record.
-  A brief explanation of how the exemption applies to the withheld record.
-  The signature of the public records officer or their designee.

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-140 ((Review)) Appeal of denial((s)) of requests ((for inspection or copying of public records)).
~~((After any request for inspection or copying is denied, any person may petition the department to review its denial. Any such petition for review must be made in writing to the public records officer prior to the end of the second business day following the denial. Such petition shall specifically refer to the denial and shall contain a brief statement or any reasons for reconsideration of the denial. Any such petition shall be immediately referred to the director or such persons as he or she may designate to review such petitions. The person reviewing such petitions shall review and reconsider the matter and either affirm or reverse the denial and communicate the decision to the person submitting the petition prior to the end of the second business day following the petition for review.))~~
After a request for inspection or copying of public records is denied, the requestor may ask the department to review the denial. The request for review must:

-  Be made in writing.
-  Be sent to the public records officer or his/her designee after receiving the denial.
-  Specifically refer to the denial.
-  Contain a brief statement that gives reasons for reconsideration of the denial.

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-150 Protection of public records. ((The department shall protect public records from damage or disorganization and prevent excessive interference with other essential functions of the department. All inspections of public records shall be supervised by a department staff member. Any staff member supervising public records inspection may decline to act upon the requests of person who are intoxicated, violent, abusive, threatening, or disruptive, and may terminate the inspection or copying of public records by such persons. Any staff member supervising public records inspection will at all times ensure that those inspecting the department's public records do not tear, mutilate, mark, or otherwise harm such records and shall terminate the inspection or copying of public records by any person who has harmed such records. The staff member may limit inspection and copying to any extent necessary to prevent such activity from unreasonably disrupting the department's operations. Any staff member supervising public records inspection shall at all times provide full, prompt, courteous assistance to persons requesting the inspection and copying of the department's public records.)) The department will protect its public records from damage or disorganization. Public records requests will not be allowed to interfere with essential functions of the department.

All inspections of public records will be supervised by a department staff member. 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.

Staff members who are supervising the inspection or copying of public records will make sure of the following:

 Records are not torn, mutilated, marked, or otherwise harmed by the requestor.

 Inspection and copying activities do not disrupt the department's operations.

 Full, prompt, and courteous assistance is provided to the requestor.

AMENDATORY SECTION (Amending WSR 90-07-004, filed 3/9/90, effective 4/9/90)

WAC 296-06-170 Records index. (~~The department of labor and industries will not maintain a current index as provided for in RCW 42.17.260(2). As provided in RCW 42.17.260(3), this formal order is issued and published specifying the reasons why and the extent to which maintenance of such a current index would unduly burden or interfere with the operations of the department.~~

~~(1) It would both unduly burden and interfere with department operations to maintain a current index with the items specified in RCW 42.17.260 (2)(a), "final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases," as the department through its several divisions, sections, and other subdivisions routinely and regularly issues a great number of determinative orders. The division of industrial insurance alone is estimated to issue daily an average of about 1,200 to 2,000 or more determinative orders. To index all such orders would either require more personnel and consequent expense or reduce the level of handling the essential functions and result in constantly greater periods of delay. Furthermore, all indexes maintained for departmental use by the various divisions, sections, and subdivisions of the department for internal use will remain available for public inspection and copying where permitted by law. A listing of such indexes and other available material shall be available for public inspection and copying.~~

~~Accordingly, and for the above reasons, it is ordered that the public records officer not establish an index relative to such subject matter.~~

~~(2) It would both unduly burden and interfere with the department's operations to maintain a current index with all "instructions to staff that affect a member of the public" within the scope of RCW 42.17.260 (2)(c). The inclusion of every such instruction to the staff would require either more personnel to index such instructions or a reduction in the department's capacity to carry out its other functions. The department will, however, continue to make available to the public for inspection or copying all instructions of a general nature to its staff that affects members of the public. A listing of all manuals containing such instructions shall be available for public inspection and copying.~~

~~Accordingly, and for the above reasons, it is ordered that~~

~~the public records officer not establish an index relative to such subject matter.~~

~~(3) It would both unduly burden and interfere with department operations to maintain a current index of the materials within the scope of RCW 42.17.260 (2)(f), that is, all "correspondence, and materials, referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party." The department daily, routinely, and regularly receives and sends a vast amount of material fitting this description. It would require either a greatly increased staff to index everything of that nature or a drastic reduction of the department's ability to carry out its other essential functions.~~

~~Accordingly, and for the above reasons, it is ordered that the public records officer not establish an index relative to such subject matter.~~

~~(4) The department did maintain a current index of the matters not covered by subsections (1) through (3) for nearly three years following the promulgation of its initial set of public records rules which was filed with the office of the code reviser on July 31, 1973. That index was virtually never asked for, nor was it used to any extent at all by the public. The department devoted many manhours that could have been put to accomplishment of its statutory duties to prepare and maintain that current index. The department finds it has been unduly burdensome to make the extensive effort necessary to maintain such a current index. Therefore, pursuant to RCW 42.17.260(3), the department issues and publishes this formal order specifying the reasons why and the extent to which compliance with any of the provisions of RCW 42.17.260(2) requiring the maintenance of a current index would unduly burden or interfere with its operations. The department herewith states that it will not hereafter maintain such a current index. The department further states that it will, however, make available for public inspection and copying all indexes and lists, not otherwise exempt, maintained for normal agency use. Guidance to public records available through the department and a general listing of such records and how they may be obtained will be provided by the public records officer upon request.))~~ The department of labor and industries will maintain a current index as required by RCW 42.17.260. The index will consist of record types and/or descriptions, their locations, and availabilities. These records will be made available according to public disclosure law. The agency records index is accessible online at www.lni.wa.gov. The index will be updated as needed. Copies of the index will be provided upon request by the public disclosure

unit.