

NEW SECTION

WAC 296-05-015 Decisions against training agent for violating ratio, supervision and/or approved work process requirements.

Based on a complaint, compliance review, or other reason, the supervisor may investigate, in accordance with the rules in this chapter, whether a training agent is in compliance with the program standards relating to the ratio, supervision, or approved work processes requirements for purposes of responsible bidder status for public works under RCW 39.04.350 (1)(e), or for purposes of prohibitions on bidding on public works contracts under RCW 39.12.055(3).

(1) The supervisor shall notify the training agent and the program sponsor that an investigation has commenced.

(2) The supervisor shall prepare a report identifying the results of the investigation. If the results indicate that the training agent is not operating as required by the program standards, the supervisor will notify the training agent and program sponsor in writing of the results, with a copy of the report to the WSATC. Additionally:

(a) The supervisor will make a reasonable effort to secure compliance on the part of the training agent by requiring the training agent to submit to the supervisor a proposed corrective action plan identifying remedial steps to be taken within thirty, sixty, and ninety days of implementation of the corrective action plan. The supervisor shall review the proposed corrective action plan and approve it, or work with the training agent to modify it, before its implementation. The program sponsor shall assist the training agent in developing a proposed corrective action plan and shall assist the supervisor in monitoring the training agent's compliance with the terms of the approved corrective action plan.

(b) If the training agent fails to comply with the approved corrective action plan as described in (a) of this subsection or is found by the supervisor to have not operated as required by the program standards as a result of an additional inspection within one year of the initial inspection, the supervisor shall impose a corrective action plan identifying steps of the supervisor's choosing that must be taken by the training agent within thirty, sixty, and ninety days. The program sponsor shall assist the supervisor in monitoring the training agent's compliance with the terms of the corrective action plan imposed by the supervisor.

(c) If the supervisor is unable to obtain compliance from the training agent under (a) and (b) of this subsection, or if a third investigation within two years of the initial inspection reveals the training agent is not operating as required by the program standards, the supervisor shall refer the matter to the WSATC for action.

(3) The WSATC will take action upon the supervisor's referral under subsection (2)(c) of this section at its next regularly scheduled quarterly meeting. After a hearing, the WSATC will decide by a majority vote of the members present whether to issue a determination under RCW 39.04.350 (1)(e) and 39.12.055(3) that the training agent is out of compliance with program standards relating to the ratio, supervision, or approved work processes requirements.

(4) A determination by the WSATC that a training agent is out of compliance with program standards relating to the ratio, supervision, or approved work processes requirements shall be stated in writing, along with the reasons supporting it, and shall be served upon the training agent, program sponsor, and supervisor as provided by RCW 34.05.010(19). Judicial review of the WSATC's written decision under this section shall be as provided in chapter 34.05 RCW.

(5) The supervisor shall place WSATC determinations under this section on file for public review. The supervisor shall maintain a list of all training agents who, as a result of a determination they are out of compliance pursuant to RCW 39.04.350 (1)(e) and 39.12.055(3), are ineligible to bid on a public works contract, or to have a bid accepted. The supervisor shall make the list available to the public upon request.