

# SPOTLIGHT

A publication focusing on loss prevention information from the Risk Management Division of Washington State's Office of Financial Management

RISK MANAGEMENT DIVISION  
OFFICE OF FINANCIAL MANAGEMENT  
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## Service Animals: DOL Shares "Lessons Learned" Strategies

Risk managers are probably the most notorious group for seeking and sharing "lessons learned" information. After all, it's their business to help management identify loss prevention methods for heading off situations that may lead to inefficient operations, unsafe conditions, or claims and lawsuits. That is exactly what Department of Licensing (DOL) risk manager, Robert Smith had in mind when he shared a "lessons learned" loss prevention tip with his counterparts at a Loss Prevention Sub-Committee meeting round table.




The "lesson learned" resulted from a lawsuit filed by a DOL customer regarding her use of a service animal while renewing a driver license at a local licensing service office. The service animal in this case was a dog, but other types of animals can be used as service animals. DOL maintained throughout the legal proceedings that appropriate services were provided to allow the service animal-assisted customer to successfully obtain her driver's license. Regardless a lawsuit resulted, which was settled with a payout.



According to the Washington State Human Rights Commission (HRC) website, a *service animal* means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental or physical disability." Service animals are *working* animals—not pets. The HRC website

also states that there are no legal requirements for service animals to be specially identified. Some, but not all, service animals, wear special collars and harnesses.

DOL took the following loss prevention steps to address customers with animals:

-  Identified that other Licensing Services Office staff needed to be aware of the requirements of RCW 70.84.020/021 (guide dogs/service animals), and developed employee awareness training. Over 360 DOL employees in Olympia and Licensing Service Offices around the state received the training.
-  Coordinated with the Department of General Administration (GA) to create a glass door or window sticker - "**Guide Dog or Service Animal Only—All Other Animals Prohibited From These Premises**".
-  Trained staff to ask customers with animals one of the three legally acceptable questions — "*Is your animal a service animal or pet?*"
- Added the following information about service animals in the DOL drive test requirements:
  - ◆ "Service animals are allowed in the vehicle during a drive test".
  - ◆ "*Pedestrians* using a guide dog or service animal or carrying a white cane have absolute right-of-way", and it is "unlawful to interfere or distract a guide dog or service animal".



## Commercial Insurance Update

### Issuing Certificates of Insurance to Another Agency -- Is it Necessary?

From time to time the Risk Management Division (RMD) receives a request from a Washington state agency to issue a Certificate of Insurance naming another Washington state agency as the "Certificate Holder".



**Question:**  
Is it necessary for a Washington state agency to require a Certificate of Insurance from another Washington state agency?

**Answer:**  
**NO.** The state's Self Insurance Liability Program (SILP) covers all Washington state agencies. It is not necessary for an agency to name another agency as the certificate holder.

For questions contact Claudia Schmitz at (360) 902-7306 or [claudia.schmitz@ofm.wa.gov](mailto:claudia.schmitz@ofm.wa.gov).

### RESOURCES

For more information about service animals, visit the Human Rights Commission website "Frequently Asked Questions: Service Animals" at [http://www.hum.wa.gov/generalinfo/faq\\_serv\\_animal.htm](http://www.hum.wa.gov/generalinfo/faq_serv_animal.htm). Agency Human Resource staff is another source for questions and guidance.

For information about ordering the "**Guide Dog or Service Animal Only—All Other Animals Prohibited from These Premises**" door signs, contact GA Customer Services at (360)725-0000 or e-mail Rick Osberg at [rosberg@ga.wa.gov](mailto:rosberg@ga.wa.gov).



## CLAIMS

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L**Just the Facts, M'am -  
State of Washington  
Vehicle Collision Report**

The Risk Management Division (RMD) frequently receives questions about the requirements of the Washington State Patrol's *State of Washington Vehicle Collision Report*. These questions are addressed below.

**WHAT ARE THE REQUIREMENTS FOR COMPLETING THE WSP REPORT?**

*According to instructions at the top of the form, "the owner or operator of any vehicle involved in a collision within this state in which any person is injured, including one's self, or in which any person's property sustains damages in the amount of \$700.00 or more is required to complete this collision report form". The report is mailed to the Washington State Patrol, Records Section, P.O. Box 42628, Olympia, WA 98504-2628.*

**IF LAW ENFORCEMENT OFFICERS INVESTIGATE COLLISIONS, DO THEY COMPLETE AND SUBMIT THIS REPORT TO WSP?**

*Yes.*

**CAN A MOTORIST INVOLVED IN A COLLISION REQUEST A LAW ENFORCEMENT OFFICER RESPOND TO THE SCENE TO INVESTIGATE, AND THUS COMPLETE THE WSP REPORT?**

*Yes, but keep in mind they may be unable to respond if there are other law enforcement priorities occurring at that time.*

**IF A LAW ENFORCEMENT OFFICER CANNOT RESPOND, SHOULD THE STATE DRIVER SUBMIT THE WSP REPORT FORM IF THE INCIDENT MEETS THE REPORTING CRITERIA?**

*Yes.*

**WHERE CAN I FIND THE WSP REPORT FORM TO COMPLETE AND WHERE DO I SEND IT?**

*The form and submittal instructions are available on the WSP web site in an empowered and not empowered version at <http://www.wsp.wa.gov/reports/collision.htm>.*

**IS THE AGENCY RESPONSIBLE FOR OBTAINING THE WSP REPORT TO SEND TO RMD ALONG WITH THE STATE OF WASHINGTON VEHICLE ACCIDENT REPORT, SF 137?**

*Not unless the agency has an available copy. RMD claims staff will research WSP records in their investigation of the state vehicle collision and obtain a copy of the report as needed to address the incident or claim. Should the agency already have a copy of the WSP Vehicle Collision Report, attach it when submitting the SF 137.*

**WHO SHOULD I CONTACT FOR QUESTIONS ABOUT STATE VEHICLE COLLISION REPORTING OR INVESTIGATIONS?**

*The Washington State Department of Transportation's Enterprise Risk Management Section coordinates with OFM-Risk Management Division in adjudicating state vehicle collisions and claims.*

*For questions about or assistance with state vehicle collisions or claims, contact WSDOT Enterprise Risk Management at 360-704-6355 or 1-800-737-0615.*

**DOC Risk Manager Receives Governor's Award**

The Leadership in Management program was created in 1985 to recognize state government managers who demonstrate excellent performance. In 2006, the governor reinvigorated the program with criteria that focus on performance, accountability and proven business results.



Governor Chris Gregoire named 26 state managers as recipients for the 2008 Governor's Award for Leadership in Management. Among the recipients was *Kathy Gastreich*, Department of Corrections Risk Manager. Awards were presented at a luncheon held on June 17, 2008. Here is what Ms. Gastreich's nominator said about her.

*As the risk management director at DOC, part of Kathy's job is to reduce risk at the state's prisons. She is also in charge of making them safer places to work. Kathy is always one step ahead of a situation, looking for new ways to solve problems and keep them from recurring. She developed the critical incident review process to identify potential problems with DOC's policies, practices, buildings or procedures and make changes when needed. She is helping protect the citizens of this state by keeping the prison system running smoothly.*

**LEGAL LINKS**

In order to reduce the potential for employment claims and lawsuits, documentation is critical. When documenting misconduct, think of the following four broad categories:

- Policy or procedure violations
- Performance transgressions, such as under performance or negligence
- Behavioral or conduct infractions, such as insubordination
- Excessive or unapproved absenteeism or tardiness



Provided by Howard Fischer, Attorney General, Torts Division

**Disclaimer:** This is not legal advice and should not be used as legal advice. It is merely a general educational item that may be of use to risk management efforts within state agencies.

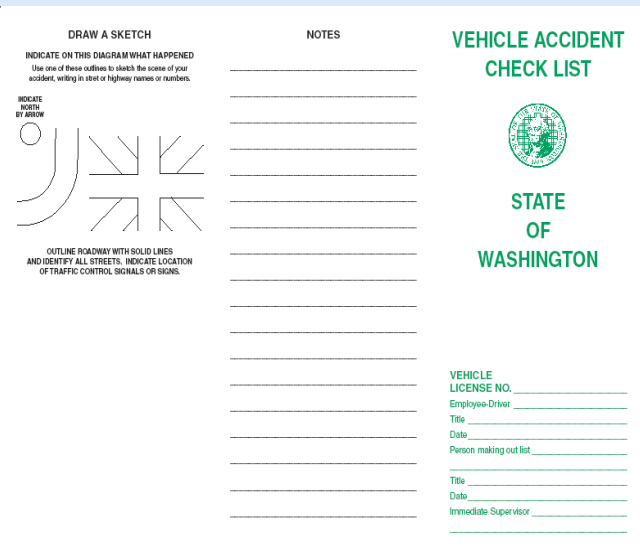


### Looking for Vehicle Accident Checklist Form? State Printers Can Help

This past year the Department of Printing began distributing the *Vehicle Accident Check List* (Form SF 136).

Now the form is printed on demand in three different formats. It was redesigned in an 8.5" x 11" and 11" x 17" style to facilitate ordering in small quantities.

To find out more, contact your customer service representative at the Department of Printing at 360-570-5555. Customer service contacts are at the following link: [http://www.prt.wa.gov/default.asp?p=cs\\_find](http://www.prt.wa.gov/default.asp?p=cs_find).



### Employment Security Risk Manager Named to PRIMA Board of Directors

The Public Risk Management Association (PRIMA) has named John Nacht, Risk Management Program Administrator of the Employment



Security Department to a three year term on the association's Board of Directors. The Alexandria, Virginia based organization was established in 1978 and has chapters throughout the United States, as well as affiliates in Canada and Europe. PRIMA provides risk management training, information and a variety of other services to enhance and support risk management in the public sector.

Mr. Nacht began his risk management career in 1992 following a 20 year career as a Navy pilot. He is a native of Chehalis, Washington and returned to Lewis County to become its first risk manager. While risk manager of Lewis County he earned the professional "Associate of Risk Management" (ARM) certification. In 1998 he joined the DSHS Office of Risk Management and was employed by DSHS until his move to Employment Security in 2007.

Employment Security hired Mr. Nacht to head its Enterprise Risk Management program under a reorganization that combined risk management, emergency management and safety. He and his staff have been actively working with ESD management to build the department program. An assessment conducted in December 2007 showed an increase in ESD's risk management "maturity," moving it from a level 3 to level 5 on the 7-level model.

## Fast Fact

### DFI: OVERSEEING FINANCIAL SERVICE PROVIDERS



All state agencies manage internal risk, but for some safety and risk mitigation are integral to services that protect citizens. Some with that role readily come to mind— WSP, DOT, DSHS, DOC, DOH, L&I, AGO, Military (Emergency Management).

Perhaps not as well known, but working just as hard to protect citizens from potentially devastating loss of the *financial* type is the Washington State Department of Financial Institutions (DFI). Here are things you might not know about DFI:



- \$ Has regulatory oversight for the state's financial service providers. Their mission is to "Regulate financial services in our state to protect the public and promote economic vitality."
- \$ Created from Division of Banking (1907) and Division of Securities (1930s). They were established through Ch. 43.320 RCW.
- \$ Operating revenues are paid by the organizations and individuals it regulates, so DFI is self-supporting (no general funds).
- \$ Five divisions regulate an array of financial enterprises and individuals, such as banks, credit unions, mortgage brokers, consumer loan companies, and securities issuers and salespeople.
- \$ Provides highly informative brochures to citizens and businesses at <http://www.dfi.wa.gov/resources/publications.htm>.
- \$ Provides informative details about its services at <http://dfi.wa.gov/default.htm>.