

THE LOCAL GOVERNMENT LIABILITY BEAT



Presented by Local Government Risk Management Services, Inc.
A Service Organization of the Association County Commissioners of Georgia and the Georgia Municipal Association Risk Management Programs

Training Record Retention

Our staff at LGRMS receives a number of questions from members on a variety of subjects. Recently, we were asked, “How long do we need to retain training records?” Part of our answer is to do what we did here, and consult your city or county attorney. In our case it was Attorney Read Gignilliat, from Elarbee Thompson Law Firm. Read and his team provide the regional Personnel Liability Update training for ACCG and GMA members, so they are often our go-to attorneys when we have questions. The following is from Read as he responded.

From Read Gignilliat

There is a surprising lack of guidance on how long local governments are required or encouraged to retain records concerning safety meetings, safety training, and safety inspections. A review of the Local Government Record Retention Schedules published and maintained by the Georgia Archives reveals only the following:

Training

- Records documenting attendance and course content for required continuing education training (excluding law enforcement): Retain for five years. Note: Notwithstanding this five-year retention period, local governments are required to retain personnel files – which are specifically defined as including records of continuing education – for duration of employment plus seven years.
- Records documenting field training (non-POST): Retain for five years.
- Training lesson plans and other records documenting course subject, activity, and/or project: Retain for two years.



Inspections

- Records documenting compliance with minimum standards required by fire safety laws: Retain for life of building.
- Fire safety inspection reports and other records documenting compliance with and violations of fire regulations: Retain for five years.
- Records documenting inspection of facilities to comply with standards, rules, and codes affecting health and safety of the occupants (including security and safety inspections): Retain for eleven years for building age 0-8 years, and three years for building age 9-up.
- Records documenting inspections of structures used in fire safety planning: Retain for five years.
- Gas valve inspection records (including inspection reports and other records documenting the safety of large gas valves used in industrial areas): Retain for as long as gas valve remains in service.
 - Airfield safety inspection records (including records documenting routine inspections of runway and taxiway conditions for hazards and security): Retain for 1 year.

guidance can nevertheless be gleaned from OSHA's (Non-Construction Industry) standards.

Training

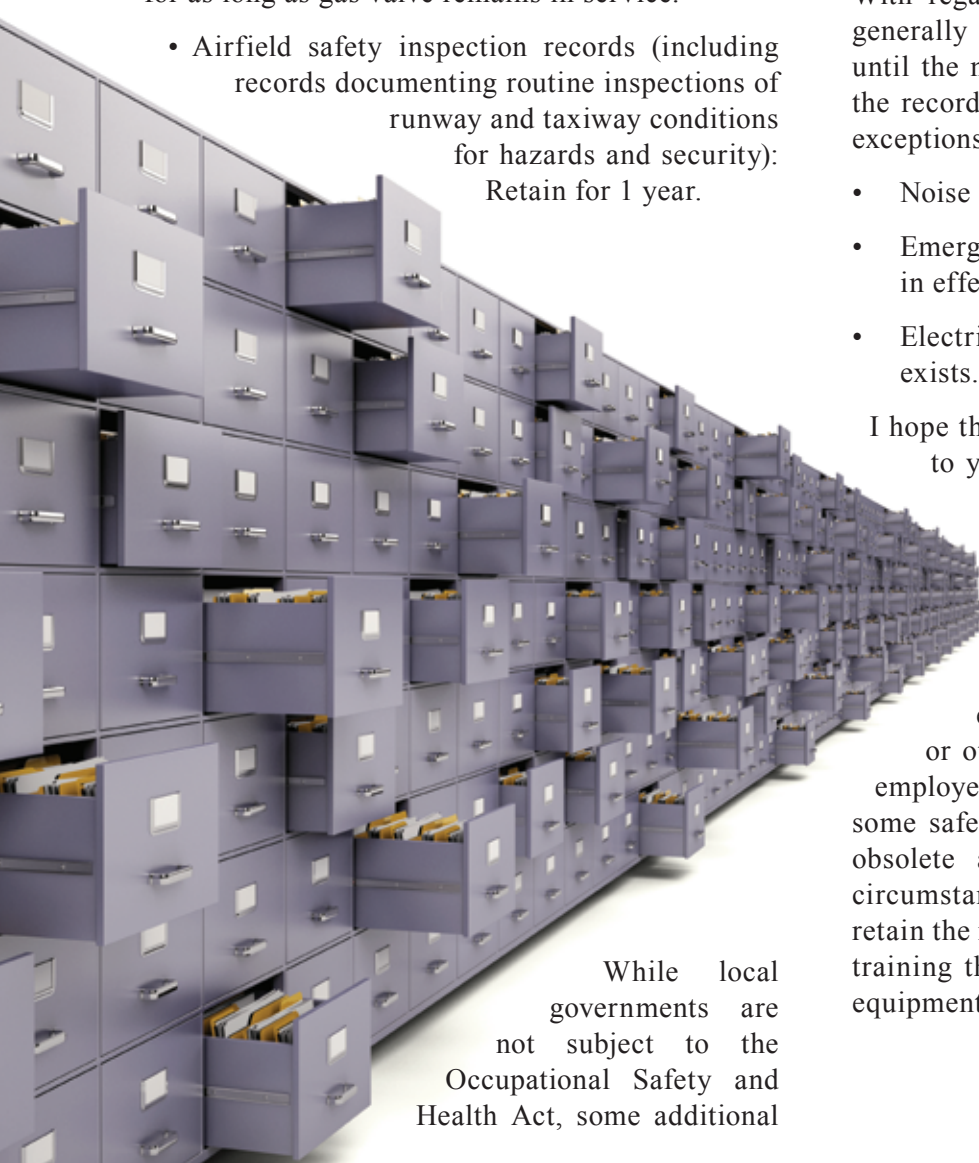
With regard to safety training, where specific retention requirements are specified, the minimum period tends to be three years from the date on which the training occurred. In those instances where periodic training certifications are required, OSHA only requires that a given certification be maintained until it is replaced by the latest certification. Many OSHA standards do not impose specific retention requirements, however, prompting a general "duration of employment" standard to evolve as the default "best-practices" approach. Many employers adopt this latter approach, with additional time equal to the applicable limitations period for personal injuries tacked on for good measure. In Georgia, this is generally two years.

Inspections

With regard to safety inspections, OSHA standards generally require that such records be maintained until the next inspection is conducted (at which point the records are replaced by the new records). Certain exceptions exist, including the following:

- Noise exposure measurement records: two years.
- Emergency Action Plan: for as long as plan remains in effect.
- Electrical hazard survey: for as long as hazard exists.

I hope that the foregoing is at least somewhat useful to you in formulating recommended guidelines for LGRMS. For safety training records, as a defense attorney, I would tend to favor the OSHA default "duration of employment" plus an additional two years for Georgia's personal injury statute of limitations. That said, as safety equipment, policies, and procedures evolve or otherwise change over the course of a given employee's tenure with a local government employer, some safety training records will eventually become obsolete and unnecessary to retain. Under those circumstances, a reasonable approach would be to retain the records for a minimum of two years after the training they reflect becomes inapplicable to current equipment, policies, or procedures.



While local governments are not subject to the Occupational Safety and Health Act, some additional



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***Disasters
Happen.***

**Prepare Now.
Learn How.**

National Preparedness Month

National Preparedness Month (NPM), recognized each September, provides an opportunity to remind us that we all must prepare ourselves and our families now and throughout the year. This NPM will focus on planning, with an overarching theme:

Disasters Happen. Prepare Now. Learn How.

Take time to learn lifesaving skills, such as CPR and first aid; check your insurance policies and coverage for the hazards you may face, such as flood, earthquakes, and tornados. Make sure to consider the costs associated with disasters and save for an emergency. Also, know how to take practical safety steps, like shutting off water and gas.

The devastating hurricanes and wildfires of 2017 reminded the nation of the importance of preparing for disasters. Often, we will be the first ones in our communities to take action after a disaster strikes – before first responders arrive – so it is important to prepare in advance to help yourself and your community.

Check out the great information at ready.gov. FEMA has great content for businesses, families, and communities, and action planning help. Here are a few more tips for local governments to consider.

- When was the last time you reviewed your city or county's emergency action plan?
- Are all contacts up to date?

- Is your plan current based on guidance from the county EMA director?
- Do your employees know what is expected of them in an emergency?
- Have you inspected your motor vehicle fleet to ensure everything works, is safe, and that they are fueled up?
- Under what conditions will you deploy your employees, during or after a storm?
- Do you have a safe protected location, for key or essential employees to stage in preparation for deployment in an emergency?
- Have you communicated your plan to your citizens?

There are a lot of things to do in preparation for an emergency. The time to do them is before the event, not during.



Hurricane Florence, September 10, 2018 Photo: NASA

<https://www.ready.gov/september>

Weather and Other Emergencies: Don't Forget To Plan

September is National Preparedness Month. But every month should be “Preparedness Month” – each month and season has its own unique set of potential emergencies to be prepared for. We need to remember the impact of the last several years of severe weather and the resulting weather-related issues that can affect thousands caught on the roads or in homes without power, transportation, water, and the other necessities of normal life.

If you have ever worried about family members stranded on the road, or frantically worried about the safety of your children or a loved one, you know what I mean. Last year, Texas experienced Hurricane Harvey with its destructive power; then the Caribbean, Florida, Georgia, and the Carolinas faced Hurricane Irma. Less than a week later, Puerto Rico and the surrounding areas were devastated by Hurricane Maria. This year, Hurricane Florence ravaged the North Carolina coast, and the season isn't over yet.

Power outages, downed trees, flooding, and unsafe roads are just a few of the dangers all of us have faced. Regardless of the best plans, it is imperative that individuals take responsibility and prepare for emergencies in partnership with their local governments. The FEMA website has more detail on all aspects of emergency management and planning. Many local emergency management agencies also have significant resources for emergency planning. For more information, visit www.fema.gov.

A report after our terrible winter storm a few years ago rated Georgia as not prepared for emergencies, particularly where children are concerned. Since then, we – as a state and as communities – have gotten much better. Being prepared is not just a federal, state, or local government function: it is a whole community function. The whole community includes individuals and families, businesses, faith-based and community organizations, nonprofits, schools, media, and all levels of government. For example, schools cannot make proper emergency plans for your children if you as parents don't give them up-to-date contact information.

Involving the whole community means letting our citizens become involved in local and national preparedness objectives. It also means that roles and responsibilities are clearly articulated and then communicated to all. Here are a few considerations for both local governments and individuals.

Emergency Planning Considerations

Have a communications plan. Your plan must include both employee and family contact information. How do we communicate when the cell towers are down or overwhelmed?

Evaluate critical needs. Who absolutely needs to be on the job? How do they get to the job? How do you sustain them? Which local government vehicles are road capable for the emergency? Are your operators trained in driving in adverse conditions? What infrastructure or technology needs to be active, and what can you do without? What are the priorities?

Coordinate with community partners and adjacent local governments. This includes hospitals, elder care locations, schools, and non-governmental organizations that also respond.

Build disaster supply kits for vehicles, offices, and facilities that provide for basic food, water, and other supplies (flashlights, blankets, etc.).

Have a business continuity plan for during and post-emergency.

What training can you do now that could help? Injury prevention and awareness! Driving considerations! Dangers of downed powerlines and weakened trees!

Test and evaluate your plans. Will the plans do what we think they will do?

If you already have a plan, review and update. If you do not have a plan, now is the time to create one.

Emergency planning is a continuous process. We tend to become complacent when no emergency exists. The longer between events, the more we lose our edge; our earlier, well-thought-out plans lapse. A few winters ago, we were caught by surprise and unprepared. Last year we did better. Let us continue to keep our guard up.





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Local Government
Risk Management Services
3500 Parkway Lane . Suite 110
Norcross, Georgia 30092

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Disaster Readiness

