
DISPUTE RESOLUTION POLICY

POLICY #: 4007

Original Policy Date: 4/16/2012

Effective Date: 4/16/2012

Purpose:

The Southwest Washington Workforce Development Council (SWWDC) is issuing this policy to provide guidance and standards for conflict resolution between partners in the local WorkSource System. This policy applies to disagreements in general and specifically applies to those involving SWWDC Memorandum of Understanding, the One-Stop Operator Agreement, and other policies and procedures regarding the integration and coordination of services throughout the WorkSource.

Policy:

SWWDC partners will follow these dispute resolution procedures when the dispute involves more than one partner and/or affiliate. All disputes should be resolved at the lowest possible level and must be fully documented at every step. All documentation produced must be delivered to the subsequent entity in the dispute resolution process until such time as the dispute is resolved. The resolving entity is responsible for retaining a complete record of all actions taken from initiation to the point of resolution.

Disputes will generally fall into these categories:

1. General conflicts over the normal course of providing employer and job seeker services
2. One-Stop Operator disputes, including One-Stop Operator Agreement and amendments
3. Memorandum of Understanding (MOU) disputes prior to failure to sign
4. MOU disputes regarding failure to sign

Dispute resolution, under the first three categories, will proceed as follows:

- All attempts to resolve disputes among or between SWWDC system partners will begin with negotiations between the disagreeing parties. Partners are expected to put forth good faith efforts in communication and compromise to resolve disagreements in a cooperative and timely manner.
- Should the partners be unable to directly resolve their dispute, they will submit the disputed issue to the Executive Board of the SWWDC, providing an explanation of the matter in writing. The parties shall have the opportunity to present their position to the SWWDC Executive Board at a regularly scheduled meeting. If the dispute involves an interpretation of a policy issued by WorkSource Standards and Integration Division (WSID), WSID will be asked by the SWWDC Board Chair to review the issue and provide a written opinion as to compliance with that policy. If the dispute does not affect a system-wide policy, the SWWDC Board Chair may request WSID's assistance in reviewing the dispute. The SWWDC Executive Board will then provide a written recommendation.

If the above local-level resolution process fails and the disagreement proceeds, the following process applies:

- If an issue cannot be resolved at the Executive Board of SWWDC, the issues shall be forwarded to the Employment Security Department Commissioner for resolution in consultations with the SWWDC Board Chair and local elected officials.
- If the Chief Local Elected Official disagrees with the Commissioner, assistance may be sought from the Office of Governor.

Disputes regarding failure to sign the MOU:

All steps in the previous sections must be completed and documented. When the local boards and partners have entered into good faith negotiations and have still reached an impasse, the following additional steps shall be taken:

- The local board and required partners must send a letter to the Commissioner of Employment Security, as the administrative entity of the Workforce Investment Act, notifying of the impasse and outlining the issues. A copy of that letter must also be sent to the Assistant Commissioner of the WSID. Documentation of the attempts to resolve the dispute should be attached.
- The Commissioner may seek alternatives to propose a resolution.
- If an impasse continues, notifications of failure to sign will be issued with applicable sanctions to the extent of applicable state and federal laws as noted in 662.310(b,c). In addition, any local area in which a local board has failed to execute an MOU with all of the required partners is not eligible for state incentive grants.

The above steps are intended to provide assistance to resolve disputes and add clarification. They do not supersede or replace language in the Workforce Investment Act or regulations.

References/Resources:

- Washington State Employment Security WorkSource Service Delivery System Policy 1008 Rev 1 WorkSource Initiative One Stop Operator Policy
 - Southwest Washington Workforce Development Council One Stop Operator Agreement
- Washington State Employment Security WorkSource Service Delivery System Policy 1013 WorkSource Memorandum of Understanding Policy
 - Southwest Washington Workforce Development Council Memorandum of Understanding
- Washington State Employment Security WorkSource Service Delivery System Policy 1014 Coordinated Employer/Business Services Policy
 - Southwest Washington Workforce Development Council Coordinated Business Services Policy # 4002
- Southwest Washington Workforce Development Council Integrated Front-end Services Policy #4001