



## **DISPUTE RESOLUTION POLICY**

### **POLICY #: 4007 Revision 2**

Original Policy Date: 4/16/2012  
Revision Date: 8/25/2021

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#### **Purpose:**

Workforce Southwest Washington (WSW) 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 WSW Memorandum of Understanding, Infrastructure Agreement, the One-Stop Operator Agreement, and other policies and procedures regarding the integration and coordination of services throughout the WorkSource System.

#### **Policy:**

WSW partners will follow these dispute resolution procedures when the dispute involves a 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, such specific language or clauses in the agreement.
4. MOU disputes regarding failure to sign.
5. Infrastructure Agreement (IFA) disputes regarding partner's negotiated cost share for the WorkSource Center(s) or Next.

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

- All attempts to resolve disputes among or between WSW 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 WSW, providing an explanation of the matter in writing. The parties shall have the opportunity to present their position to WSW Executive Board at a regularly scheduled meeting. If the dispute involves an interpretation of a policy issued by Employment Security Department Policy Unit (ESD), ESD will be asked by the WSW 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 WSW Board Chair may request ESD's assistance in reviewing the dispute. WSW 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 WSW, the issues shall be forwarded to the Employment Security Department Commissioner for resolution in consultations with the WSW 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 or other disputes with 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 in order:

1. The local board and required partners must send a letter to the Workforce Training and Education Coordinating Board (WTECB), as the Governor's designee, notifying the State of the impasse. The letter must outline the issues and parties involved in detail and provide documentation of actions taken, however unsuccessful, to resolve the dispute.
2. WTECB will engage WSW, one-stop operator, one-stop partner programs, CLEO and any other parties mutually deemed appropriate in an effort to resolve the dispute. Prior to issuing its decision, WTECB may seek alternatives such as asking for third-party mediation or dispute resolution with appropriate Federal agencies to propose a resolution.
- 3.
4. WTECB must issue a final written decision to all parties. If an impasse continues, notifications of failure to sign, a report will also be sent to the U.S. Department of Labor as noted in 662.310(b) and to the head of any other Federal agency with responsibility for oversight of a one-stop partner program.

Disputes regarding the IFA:

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 State Funding Mechanism is triggered, and the following additional step shall be taken:

1. The local board must send the Governor's designee, WTECB, a notification of impasse. Upon receipt of notification, the Governor must issue guidance, and the WTECB (as the designated Governor's representative) must assist with the issuance of that guidance and with developing the formula used by the Governor under the State Funding Mechanism to determine one-stop center budgets in the event local consensus cannot be reached. Refer to the State IFA Policy 1024 for additional timeline and procedures.

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

**References:**

- [Workforce Innovation and Opportunity Act of 2014](#)
- [WIOA Notice of Proposed Rule Making: Notice of Proposed Rulemaking on Title I and Title III programs](#)
- [State IFA Policy 1024](#)
- [State MOU Policy 1013](#)

**Supersedes:**

- SWWDC Policy #4007 last revision date 6/28/2017

**Website:**

<https://workforcesw.org/results-and-data/policies>