



DISPUTE RESOLUTION

Workforce Innovation and Opportunity Act Policies and Procedures

EFFECTIVE DATE: April 19, 2019

POLICY #: A405 v.1

I. PURPOSE

This policy communicates the Workforce Development Council of Seattle-King County (WDC) local workforce development board policy and operational guidance regarding dispute resolution among the WDC and WorkSource partners under Workforce Innovation and Opportunity Act (WIOA).

II. BACKGROUND

Disputes may arise among partners for a variety of reasons during the course of conducting business. While it is the goal of the WDC to handle disputes, when they arise at the lowest level possible, this policy clarifies how disputes that require additional effort to resolve will be handled.

III. DEFINITIONS

N/A

IV. POLICY

- A.** This policy applies to all organization involved with WorkSource in the Seattle-King County Workforce Region, include signatories to the Memorandum of Understanding, those offering business and jobseeker services, and the One-Stop Operator.
- B.** This policy applies to dispute resolution and appeals among the partners identified above, regarding contracts, awards, monitoring and oversight outcomes, administrative agreements, memoranda, and partnerships.
- C.** All disputes or conflicts involving two or more parties will be handled at the lowest level possible and via the procedures in this policy.
- D.** Parties to disputes are expected to put forth good faith efforts to communicate and compromise to resolve disputes in a cooperative and timely manner.
- E.** All actions taken to resolve disputes will be documented.
- F.** Per WIOA Section 121(h) and 20 CFR 678.725-750, local disputes related to funding of one-stop infrastructure costs are exempt from this policy and will instead be addressed through application of the state one-stop funding mechanism determined by the Governor and subject

to a state-level appeals process established by the Governor, as described in WorkSource System Policy 1013 Rev. 1: WorkSource Memorandum of Understanding (MOU).

V. PROCEDURES

- A.** Resolution of disputes that consist of general conflicts among the parties described in IV.A of this policy and relating to the items identified IV.B of this policy will proceed as follows:
- 1.** Attempt to resolve the dispute will begin with negotiations between the disagreeing parties.
 - 2.** Should the parties be unable to resolve their dispute, they will notify the WDC of the dispute and provide a written explanation of the matter. WDC Management will review the dispute and provide a written recommendation.
 - 3.** If the WDC is one of the parties to the dispute, or if this resolution process fails and the disagreement proceeds, entities in disagreement may appeal to the Employment Security Department (ESD) Commissioner in writing notifying of the impasse, outlining the issues and including documentation of the attempts to resolve the dispute
 - a.** Commissioner, in consultation with appropriate local Chief Elected Official(s), must offer a resolution within 30 calendar days of receiving appeals, as per WorkSource System Policy 1013 Rev. 1.
 - b.** The Commissioner may seek alternatives to propose a resolution.
 - 4.** If the impasse relates to the Memorandum of Understanding and is not resolved by the Commissioner, notifications of failure to sign will be issued with applicable Resolution of disputes that consist of general conflicts among the parties described in IV.A of this policy
- B.** Disputes Involving Employment Security Department will proceed as follows:
- 1.** Resolution will first be attempted at the local level.
 - 2.** If the issue cannot be resolved at the local level, any party to the dispute may request the services of an independent mediator or hearing officer.
 - a)** The selection of the hearing officer must be concluded within 10 business days.
 - b)** Each party to the dispute will identify one representative.
 - c)** From a list of three mediators/hearing officers identified through a mutually agreed upon source (e.g., local dispute resolution councils, State Department of Enterprise Services, etc.), each representative will eliminate one individual with the remaining individual selected by the process of elimination.
 - d)** The parties to the dispute will share the cost of the mediator/hearing officer equally.
 - e)** The mediator/hearing officer must, within 30 calendar days of being retained, deliver a recommendation, in writing, to the ESD Commissioner.
 - f)** The ESD Commissioner will have five business days to render a decision by accepting or rejecting the recommendation. The recommendation may only be rejected through “just cause” allowances:
 - i.** Undisclosed conflict of interest on the part of the mediator/hearing officer.

- ii. Clear misapplication of the law and/or regulations.
 - iii. The finding does not fit the record or facts of the case.
- g) If the ESD Commissioner rejects the mediator/hearing officer recommendation, the parties to the dispute may appeal the decision to the U.S. Department of Labor as described in WIOA Section 181(c).

VI. REFERENCES

AUTHORITY	RULE OR REGULATION	REFERENCE AND WEBLINK
WA Employment Security Department	Title I Policy: Dispute Resolution and Appeals	5410, Revision 1 May 9, 2016
	WorkSource System Policy: WorkSource Memorandum of Understanding (MOU)	1013 Revision 1 October 5, 2012
Code of Federal Regulations	One-Stop Operating Costs	20 CFR 678.725-750
United States Congress	Workforce Innovation and Opportunity Act	Public Law 113-128, Section 181(c) – Grievance Procedure and Section 121(h) - One-stop Infrastructure Funding

VII. HISTORY

VER.	DATE	ACTION AND APPROVALS
V.1	4/19/19	Policy published
V.2		
V.3		
V.4		