

SYSTEM POLICIES

MEMORANDUM #10-12

To: All WorkSource Snohomish County Partners

Subject: Dispute Resolution

Effective Date: February 15, 2011

A. BACKGROUND

Workforce Development Council Snohomish County (WDCSC) is issuing this policy in conformance with Washington State Employment Security Department (ESD) Policy Number 1008, *One-Stop Operator*, and ESD Policy Number 1013, *WorkSource Memorandum of Understanding*, which provide direction to WDCSC to create and disseminate a Dispute Resolution policy and procedures for the WorkSource Snohomish County system.

B. POLICY

WorkSource Snohomish County partners will follow the dispute resolution procedures in Section C. when the dispute involves more than one WorkSource Snohomish County partner. 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.

C. GENERAL PROCEDURES

1. The dispute should be brought in writing to the attention of the WorkSource Snohomish County One-Stop Operator who has specific responsibilities in its resolution.
2. The WorkSource Snohomish County One-Stop Operator must document all actions taken to resolve the dispute.

3. If the Operator is unable to resolve the dispute, it is to be referred to the WDCSC Director of Service Delivery or her/his designee who will then assume responsibility for efforts to resolve the dispute.
4. The Director of Service Delivery or her/his designee will convene the One-Stop Operator and all parties to the dispute to attempt resolution.
5. Should the Director of Service Delivery or her/his designee be unable to resolve the dispute, s/he will bring it to the attention to the WDCSC President/CEO and the Board of Directors Service Delivery Committee to attempt resolution. The Director of Service Delivery or her/his designee will continue to provide staff support to the Committee and document all actions taken.
6. Should the Service Delivery Committee or her/his designee be unable to resolve the dispute, it will be brought to the attention of the WDCSC Executive Committee which will attempt resolution. The President/CEO or her/his designee will provide staff support to the Committee and document all actions taken.
7. Should the Executive Committee be unable to resolve the dispute, it will be brought to the attention of the Snohomish County Office of the Executive which will attempt resolution. The President/CEO or her/his designee will provide ongoing support to the Office of the Executive as requested.
8. Should failure to resolve the dispute progress to the state level, the Office of the Executive will notify ESD's Workforce Standards and Integration Division (WSID). WSID will prepare a written recommendation.
9. Should this not result in resolution, one or more disputant shall contact the Commissioner of ESD who will make a decision regarding the matter in consultation with the Snohomish County Office of the Executive.

D. PROCEDURES REGARDING FAILURE TO SIGN MOU

The following procedures apply to situations in which a partner or partners fail to sign the Memorandum of Understanding. As provided for in Workforce Investment Act law and regulations, when local boards and partners have entered into good faith negotiations and have reached an impasse, the following steps shall be taken in the following order:

1. Steps 1 through 8 in Section C above must be completed.
2. WDCSC and required partners must send a letter to the Commissioner of ESD notifying ESD of the impasse. A copy of the letter must also be sent to ESD's Assistant Commissioner of WSID. The letter must outline the issues and parties involved in detail and provide documentation of actions to resolve the dispute.

The Commissioner may seek alternatives such as asking for third-party mediation or consultation with the Governor's Office to propose a resolution.

If the impasse continues, a notification of failure to sign and applicable sanctions as noted in CFR 662.310(b) and (c) will be sent by the Governor to WDCSC and Chief Local Elected Official. If an impasse has not been resolved through the alternatives available under this section, any partner that fails to execute an MOU may not be permitted to serve on the WDCSC Board of Directors. A report will also be sent to the Department of Labor as noted in 662.310(b).