

Policy: Dispute Resolution
Number: WIOA 01-1030 Revision 2
Effective: June 30, 2016

This policy is referenced in NWC's [Memorandum, of Understanding](#) and is designed to recognize the requirements of [NWC Policy 01-37 Code of Ethics, Conflict of Interest and Protected Disclosure Policies](#).

Revised: February 24, 2022

BACKGROUND:

This policy defines a procedure which attempts to resolve disputes at the local level and to avoid objections to the formal resolution of these disputes. It is assumed any organization which is party to a dispute, at either the local board or state level, joins with the Northwest Workforce Council (NWC) in desiring to act with the highest ethical standards and to avoid any appearance of unfairness. For these reasons, it is essential the Northwest Workforce Council and any Northwest Workforce System Partners be sensitive and err on the side of caution when disputes occur. Any organization signing the Memorandum of Understanding and/or the Infrastructure Funding Agreement is considered a partner in the Northwest Workforce System.

Note: Nothing in this local policy is intended to supercede the most recent state policy(ies) concerning Dispute Resolution.

POLICY:

A. Categories of Disputes

This policy identifies two different categories of disputes and identifies different procedures for resolving them. They are:

1. Disputes by local workforce development boards (LWDBs) regarding contracts, allotments, monitoring and oversight outcomes, and administrative agreements and memoranda involving local and/or system partners, and
2. Disputes specifically regarding the One-Stop Memorandum of Understanding content, language, or signature.

For disputes regarding terms and conditions, performance, or administration of the Memorandum of Understanding (MOU), Infrastructure Funding Agreement (IFA), or other documents created by the Northwest Workforce System Partners to define elements of their partnership, that cannot be resolved through communication between the parties, the procedures described in Sections B and C below will be initiated. However, as per Section 121 (h) and 20 CFR 678.725-750, local disputes related to funding of the IFA are exempt from this policy and shall instead be governed by [State WorkSource System Policy 1024, Rev 1 Infrastructure Funding Agreements and State Funding Mechanism](#).

B. General Dispute Resolution Procedures

WorkSource System Partners agree to communicate openly and directly and that every effort will be made to resolve any problems or disputes in a cooperative manner. Additionally, NWC requires that partner organizations involved in a dispute consult with their senior leadership frequently during the process of achieving a viable solution to the dispute.

Disputes should, wherever possible, be resolved at the local level. To initiate this Dispute Resolution Procedure, disputes must be submitted in writing to the NWC Chief Executive Officer (CEO) within sixty (60) days of the disagreement. The written submission should state the problem, a history of resolution strategies attempted, the outcomes of these attempts, and the desired resolution.

1. All attempts to resolve disputes among or between Northwest WorkSource System Partners shall begin with negotiations between the parties of the dispute. Partners are encouraged to put forth good faith efforts in communication and compromise to find solutions to their disagreements in a cooperative and timely manner. All actions taken to resolve disputes must be documented.
2. Should parties be unable to resolve the dispute through negotiation within sixty (60) days, the Chief Local Elected Official (CLEO) and the chairperson of the NWC Board shall appoint an ad hoc committee from members of the NWC Executive Committee. The members of the ad hoc committee will confer with the parties involved and attempt to resolve the dispute to the satisfaction of all concerned. All actions taken to resolve disputes are to be documented.
3. Should the Executive Committee's ad hoc committee render a decision unacceptable to one of more of the parties involved in the dispute, the CLEO and NWC Chairperson shall make a final determination. If the dispute involves a State Agency, the CLEO and NWC Chairperson shall contact and engage that agency's Chief Executive Officer, or their designee, in efforts to negotiate a resolution. Should a decision still be unacceptable to one or more parties to resolve the dispute the decision can be appealed to the US Department of Labor as described in WIOA Section 181(c).

C. Disputes Specifically Regarding Northwest Partnership Memorandum of Understanding (MOU), Including Failure to Sign the Memorandum

In any dispute among the WorkSource System Partners regarding the MOU or participation in the One-Stop system, the parties will first attempt to resolve the issue at the local level by deploying steps one (1) and two (2) of the local area procedure described in Section B. Should that process fail to produce agreement, the issue will be referred to the State-level process, as defined below.

1. The LWDB must send a letter to the Workforce Training and Education Coordinating Board (WTECB) as the Governor's designee, thus 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 must engage the LWDB, One-Stop System Operator, local CEO(s), the relevant Northwest Workforce System Partners, and any other parties mutually deemed appropriate in an effort to resolve the dispute within thirty (30) days of receipt of letter of impasse. 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. WTECB must issue a final written decision to all parties.

4. If the impasse continues in disputes regarding the failure to sign the MOU, 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.

REFERENCES:

- [Washington State WorkSource System Policy 1013, Rev 3 One-Stop Memorandum of Understanding \(MOU\) section 2\(d\) Dispute Resolution](#)
- [Washington State WorkSource System Policy 5410, Revision 1 Dispute Resolution and Appeals](#)
- [NWC Policy WIOA 01-37 Code of Ethics, Conflict of Interest and Protected Disclosure Policies](#)

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