

1401PRO Dispute Resolution Procedure (Rev1)

Effective Date: October 2021

Last Modified: May 2026

Addressing the procedure for resolution of disputes that consist of general conflicts among the parties described in the policy and related to the items identified above.

TRIGGER: Dispute

TARGET: Resolution

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| <i>Disputing Parties</i> | 1 | Attempts 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. |
| <i>OWDC Management</i> | 3 | Review the dispute and provide a written recommendation. |
| <i>All Entities</i> | 4 | If negotiations do not resolve the dispute and an impasse is reached, the OWDC must submit written notification of impasse to the Workforce Training and Education Coordinating Board (WTECB), acting as the Governor's designee. |
| <i>OWDC Management</i> | 5 | Written notification must outline the issues and parties involved in detail and include documentation of actions taken to resolve the dispute, including all unsuccessful resolution attempts. |
| <i>WTECB</i> | 6 | Within 30 calendar days of receipt of the impasse notification, WTECB must engage the OWDC, one-stop operator, one-stop partners, OCB, and any other mutually agreed upon parties to resolve the dispute. (WS Policy 1013 (Rev4)). |
| | 7 | Prior to issuing a decision, WTECB may pursue alternative resolution strategies, including third-party mediation or coordination with appropriate federal agencies. |
| | 8 | WTECB must issue a final written decision to all parties involved in the dispute. |
| | 9 | If the impasse continues regarding failure to sign the MOU, WTECB will also submit a report to the US Department of Labor and the head of any other federal agency responsible for oversight of one-stop partner programs, consistent with applicable federal regulations. |

Disputes involving Employment Security Department (ESD) will proceed as follows:

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| <i>Disputing Parties</i> | 1 | Attempts to resolve at the local level. |
| | | <u><i>If not resolved at the local level:</i></u> |
| | 2 | 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. Through a mutually agreed upon source (e.g., local dispute resolution councils, State Department of Enterprise Services, etc.) a list of three mediators/hearing officers will be made. |
| | | c. Each party to the dispute will identify one representative from a list of three mediators/hearing officers to eliminate. |
| | | d. Remaining individual will be the mediator/hearing officer, by process of elimination. |
| | | e. All parties in the dispute will share the cost for the mediator/hearing office. |
| <i>Mediator/Hearing Officer</i> | 3 | Within 30 days of being retained, deliver a recommendation, in writing to the ESD Commissioner. |
| <i>ESD Commissioner</i> | 4 | Must make decision within five business days of acceptance or rejection of recommendation. |
| | | <u><i>If rejected (through "just cause" allowances):</i></u> |

- a. Undisclosed conflict of interest on the part of the mediator/hearing officer.
- b. Clear misapplication of the law and/or regulations.
- c. The finding does not fit the record or facts of the case.

If ESD Commissioner rejects the mediator/hearing officer's recommendation:

- a. Disputing parties may appeal the decision to the U.S. Department of Labor as described in WIOA 181(c).

REFERENCES

Implementation of the Nondiscrimination and Equal Opportunity Provisions of the WIOA, Code of Federal Regulations, Subpart A – General Provisions. [29 CFR Part 38](#)

Infrastructure Funding Agreement and State Funding Mechanism, [WorkSource System Policy 1024 \(Rev2\)](#)

One-Stop Operating Costs, Code of Federal Regulations, Title 20, Chapter V, Part 678, Subpart E, [§678.725-750](#)

Requirements and Restrictions, Workforce Innovation and Opportunity Act Final Law H.R. 803 (113-128)

[§181\(d\)\(2\)](#) Revised Code of Washington 49.60, Discrimination – Human Rights Commission, [49.60 RCW](#)

WorkSource Memorandum of Understanding, [WorkSource System Policy 1013 \(Rev4\)](#)