



Workforce Innovation and Opportunity Act (WIOA) Policies and Procedures

Dispute Resolution and Appeals Policy

Policy Number: ADM-3011

Release Date: November 3, 2022

Supersedes: N/A

PURPOSE

The purpose of this policy is to provide guidance for dispute resolution and appeals arising from general disagreements between partners in the WorkSource Pierce One-Stop system.

BACKGROUND

This policy is issued in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), section 181(c), and the Employment Security Department (ESD) Policy 5410, Rev. 1 (and future revisions) – Dispute Resolution and Appeals.

POLICY

Dispute resolution must first be negotiated between the disagreeing partner organizations. Decisions resulting from the dispute and subsequent resolution must be documented. If agreement between the partner organizations cannot be reached, the parties must provide WorkForce Central written notice of their disagreement, attempts to reach agreement, and desired outcomes. WorkForce Central will review the circumstances and provide a written recommendation within 30 business days.

If WorkForce Central is one of the parties to the dispute, or if the parties to a dispute cannot reach agreement at the local level, they may appeal in writing to the ESD Commissioner for resolution. Appeals to the ESD Commissioner must include a description of the disagreement and actions taken to negotiate. The ESD Commissioner, or their designee, in consultation with the appropriate local Chief Local Elected Officials (CLEOs) must offer a resolution within 30 calendar days of receiving appeals.

If the dispute involves ESD, either party to the dispute can request the services of an independent mediator or hearing officer. The selection process for the mediator or hearing officer must be concluded within 10 business days and include the following:

- Each party to the dispute will identify one representative.
- From a list of three (3) 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 that process of elimination.
- Both parties to the dispute agree to share the cost of the mediator/hearing officer equally.

The mediator or hearing officer will, within 30 calendar days of being retained, deliver a recommendation, in writing, to the ESD Commissioner. The ESD commissioner has five (5) business days to render a decision by accepting or rejecting the recommendation with the latter limited to three (3) "just cause" allowances:

1. Undisclosed conflict of interest on the part of the mediator/hearing officer.
2. Clear misapplication of the law and/or regulations.
3. The finding does not fit the record or fact of the case.


If the ESD Commissioner rejects the mediator/hearing officer recommendation, either party to the dispute and Commissioner's decision or rejection can be appealed to the U.S. Department of Labor as described in WIOA Sec. 181(c).

Per WIOA sec. 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, when applicable, 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.

REFERENCES

- WIOA sec. 181(c)-Grievance Procedure
- ESD Policy 5410, Rev. 1 (and future revisions) – Dispute Resolution and Appeals

APPROVED


Katie Condit (Nov 3, 2022 07:07 PDT)

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WorkForce Central CEO

Date

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