

OREGON WORKFORCE INVESTMENT BOARD

Policy -- MOU Impasse Resolution

Purpose

The Workforce Investment Act (WIA) planning guidance requires each state to adopt a policy to resolve any local impasses in the development of Memoranda Of Understanding (MOUs). The Policy Stakeholder group decided that such a policy was needed.

Background

A Memorandum of Understanding (MOU) is a document that the WIA requires that each local area have among its One-Stop partners with the agreement of the local elected officials. The MOU must contain provisions on the following:

- Agreement Of One Stop Partners Relating To The Operation Of The One Stop Delivery System
- Services To Be Provided Through The One Stop System
- Funding Of Services
- Operating Costs Of The Services
- Methods For Referring Individuals Between The One Stop Operators And The Partners
- Duration
- Provision For Amending The MOU

Each local area shall also identify how it will prioritize certain intensive and training to clients if funds are limited. In the 23 county workforce area, the Oregon Workforce Alliance/The Oregon Consortium, will have each of the 9 workforce regions within that area execute an MOU with an umbrella MOU for the area.

There are three primary areas that are required in the MOU and the local planning process that could result in an impasse that prevents the parties from reaching agreement:

- Cost sharing
- Prioritizing clients
- Methods of referral

In general, it is best to resolve problems locally, among local partners. Resolution by the state must be a last resort, with the impasse being identified at the local level. A third party mediator may be necessary. A list of mediators is available. If mediation fails, the matter still needs to be resolved; this policy proposes binding arbitration as the very last resort.

Policy: MOU Impasse Resolution

It is the policy of the State of Oregon that as much as possible, impasses that prevent the area/regions from agreeing on the contents of a Memorandum of Understanding should be resolved at the local/regional level. The assistance of the state is to be sought as a last resort, and such assistance must be requested by the local partnership.

Level One Resolution: Local Partners. Since client services are delivered at the local/regional level, the OWIB recognizes the importance of resolving impasses in the organization and

administration of the One-Stop system at that level. It is anticipated that most difficulties can be resolved among the partners at that level. Mediation may be used; the state will maintain a list of qualified mediators from which the local partners may choose.

Level Two Resolution: Local Boards. If local partners, acting in good faith, are unable to resolve an impasse, the impasse must be taken to the local/regional board for resolution before requesting state-level assistance. Action taken to resolve the impasse must be reflected in the minutes of the local/regional board. The state will offer, if requested, technical assistance on resolving the matter (including looking and facilitating a conversation between workforce investment board chairs and staff and how they have addressed the impasse issue).

Level Three Resolution: State Assistance. If substantive impasses remain after a good-faith effort has been made at the local/regional board level to resolve issues, the board and relevant One-Stop partners may request assistance in the resolution process from the Department of Community Colleges and Workforce Development. The request shall be written and include impasse issue(s). Documentation supporting the issue(s) shall accompany the request. Documentation shall also include the record of attempts to resolve the issues at the other levels.

Within 30 days of receipt of the written request:

(a) if the impasse relates to a matter that involves the state workforce partners, the CCWD will present the impasse and the supporting documentation to the Workforce Policy Cabinet for resolution. If the Cabinet cannot resolve the issue with local approval, a qualified mediator on a list of 10 mediators, previously approved by state and local partners, will be selected through an alternate strike process. (b) if the matter does not involve state partners, then the CCWD would refer the matter to a mediator selected randomly from the previously approved list of mediators. The CCWD shall consult with the Office of State Mediator to give assistance in managing this process.

Last Step: Binding Arbitration. If process/mediation at level three fails, the matter will be resolved through binding arbitration. Again, the local and state workforce partners will submit names of acceptable arbitrators and one will be selected off of an approved list through an alternate strike process and will be charged with resolving the matter in accordance with any legal or budgetary restrictions on the partners.

Approved by:	Annette Talbott, Workforce Policy Coordinator
Date:	
Effective Date:	April 28, 2000

This policy will remain in effect until amended or rescinded by the Oregon Workforce Investment Board.