Consumer Directed Employer (CDE) Rate Setting Board

**Policy & Procedure #01: Selecting the Rate Setting Board Chairperson**

**Policy:**

The Rate Setting Board (Board) will select a Chairperson (Chair) as the first order of business of each two-year cycle as described in RCW [74.39A.530](https://app.leg.wa.gov/RCW/default.aspx?cite=74.39A.530) Section 5.

**Original Effective Date:** 04/18/2022

**Revision Date:** 07/08/2024

**Purpose:**

This procedure describes the process for selecting the Board Chair, who’s duties will include, among others, casting the tie-breaking vote if the voting members are unable to pass the labor rate by majority vote.

**Procedure:**

1. As the first order of business, the voting members of the Board shall select, by majority vote, an additional voting member who will chair the Board. Each voting member may bring 2 potential candidate names for discussion. Previous Board Chairs can serve again, if willing, and by Board vote. Those candidates must be willing and able to serve in this role.
2. If the voting members fail to select a Chair, the following selection process will be pursued:
3. The first time that the voting members fail to select a tie-breaking member by a majority vote:
   1. The voting member representing the governor's office shall bring to the meeting a list of five qualified arbitrators, or six if there are two CDEs, from the federal mediation and conciliation service.
   2. If a majority of the voting members of the Board cannot agree on the selection of a neutral arbitrator from the list, the following order of Board members strike names off the list:
      1. Representative from the CDE who first contacted the department (contracted).
      2. The representative from the governor's office.
      3. The designee from the exclusive bargaining representative or, in the absence of an exclusive bargaining representative, the designee from the consumer directed employer workforce.
      4. If there are two consumer directed employers, the second representative shall strike a name.
      5. The representative from the department.
   3. The name of the arbitrator remaining after the final strike shall be the Chair.
   4. If that person is not willing or available to be the Chair, the second to last person remaining on the list shall be asked to be the Chair.
   5. If the second to last person is not willing or available, the third to last person shall be asked to be the Chair.
   6. This process of selecting an arbitrator shall continue until a Chair is appointed.
4. The subsequent time the voting Board members fail to select a Chair by a majority vote, the Chair will be selected using the method described in items 3(b) through 3(f) of this procedure, except that the order of Board members striking names from the list described shall be reversed.
5. On each successive occasion that the voting members fail to select a Chair by a majority vote, the order of Board members striking names from the list will continue to alternate between the order described in items 3(b) through 3(f) of this procedure.
6. The need to invoke steps and the sequence in which Board members struck names from the list described above shall be detailed in the meeting minutes.