



Metropolitan State College Performance Pay Program Dispute Resolution Process

If there is disagreement concerning a performance plan or performance evaluation, that are not claims of discrimination, employees may initiate the dispute resolution process. A description of the internal dispute resolution process, including timelines and decision makers, shall be given to employees annually at the time of evaluation or can be obtained from the Office of Human Resources.

Guidelines for Classified Employees

Informal resolution of disputes at the lowest level is highly encouraged. The burden of proof in the dispute resolution process falls upon the employee. Issues that are not related to the performance plan or evaluation are not a part of this dispute resolution process.

Issues that Employees May Dispute

- Their own performance plan or lack of plan
- Their own performance evaluation or lack of a final evaluation
- Full payment of an adjustment
- Application of the college's Performance Pay Program, policies, or processes

Issues that Employees May NOT Dispute

- The content of the college's Performance Pay Program
- Matters related to the funds appropriated
- The performance evaluations and adjustments of other employees
- The amount of a performance adjustment, unless the issue involves the application of the college's Performance Pay Program

Guidelines for Dispute Resolution Decision Makers

The dispute resolution process must be open and impartial and must allow the parties an opportunity to have issues reviewed objectively. Decision-makers are limited to addressing facts surrounding the current performance plan or evaluation and shall not substitute their judgment for that of the rater, but may instruct raters to follow the agency plan, correct errors, reconsider a performance rating or plan, or other appropriate action such as mediation. Decision-makers cannot render decisions that would alter the college's Performance Pay Program. Retaliation against any person involved in the dispute resolution process is prohibited.

Dispute Resolution Process

Only issues originally presented in writing shall be considered throughout the dispute resolution process. No party has an absolute right to legal representation, but may have an advisor present. The parties are expected to represent and speak for themselves.

Informal Process

The employee and supervisor should schedule an informal meeting to resolve the issue(s) within two working days after the performance plan or evaluation is presented.

The employee should bring any supporting documentation that may aid the supervisor's decision. If the employee and supervisor are unable to reach an agreement during this meeting, or if they are unable to meet, the employee may proceed to the formal internal process.

Formal Internal Dispute Resolution Process

1. The employee must submit a written request to initiate the Formal Internal Dispute Resolution process to the next higher level supervisor within three (3) working days of signing the performance evaluation or plan. A copy of this written request must also be provided to the supervisor. The employee's written request should include:

- The purpose of the request;
- Specific examples of his/her disagreement;
- All pertinent documentation related to the dispute necessary to substantiate reasons for the disagreement.

The higher-level supervisor may meet with the employee at his/her discretion, but must render a decision in writing and deliver to the employee within five (5) working days of the date the written request was received.

2. If the employee does not agree with the decision of the higher-level supervisor, the employee may submit the same written request as originally presented in step 1 to the third level supervisor using the process and timelines listed above. The employee may not add any additional items to be considered at the third stage of the dispute resolution process.

The third level supervisor's decision must be made in writing within five (5) working days of the date the written request was received and must include a written copy of the Formal External Dispute Resolution Process. The decision of the third level supervisor is final. Employees will have no further recourse for resolution of these disputes at the internal level. The employee must be given written notice of the External Dispute Resolution Process upon completion of the Internal Dispute Resolution Process.

Formal External Dispute Resolution Process

An employee may request a review by the State Personnel Director upon completion of the College's Formal Internal Dispute Resolution Process by submitting a written request to the State Personnel Director within five (5) working days of the College's final decision only for matters relating to:

- The application of the college's Performance Pay Program, policies, or processes;
or
- Full payment of an adjustment.

Requests for review must be submitted to State Personnel Director, Attn: Appeals Processing, 1313 Sherman Street, 1st Floor, Denver, CO 80203 and must include the reason for the request, specific examples of disagreement, supporting documentation, and a copy of all requests for review at all levels of the Formal Internal Dispute Resolution Process as well as copies of the decisions rendered by the second and third level

supervisors. The Department of Personnel and Administration has provided a form to accompany the formal appeal. The Colorado State Personnel Consolidated Appeal/Dispute Form can be accessed on the Department of Personnel and Administration's web site, by accessing the College's Human Resources Forms site, or by contacting the Classified Employment Manager in the Office of Human Resources at (303) 556-5030.

The State Personnel Director may select a qualified neutral third party to review the matter. In reaching a final decision, these individuals have the authority to instruct a rater(s) to: a) follow agency's program, b) correct an error, or, c) reconsider an individual performance plan or final overall evaluation. These individuals may also suggest other appropriate processes such as mediation. The Director shall issue a written decision that is final and binding within 30 days.