

## Community Colleges of Colorado

### Pay for Performance Dispute Resolution Process

#### Guidelines

1. Employees are provided the opportunity to have disputes regarding pay for performance resolved in a timely manner through an objective and impartial review process designed to preserve the working relationship.
2. The process is expedient and should conclude within 30 business days. However, by mutual agreement of the involved parties, the timeline can be extended.
3. Issues that are disputable include:
  - The individual performance plan (*must dispute within 3 business days of conclusion of the planning phase*) or lack thereof
  - The individual final performance evaluation or lack thereof
  - Non-compliance with the College's program as it relates to the individual employee's performance plan or final evaluation
  - Partial or non-payment of a salary adjustment
4. Issues that are NOT disputable:
  - The amount of the salary adjustment
  - The breakdown of the salary adjustment, including whether it is base/non-base building or the split between the two
  - Performance evaluations or salary adjustments of other employees
  - The distribution model
  - The college's program
5. Only issues originally presented in writing shall be considered throughout the review process.
6. 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.
7. Retaliation against any person in the dispute resolution process is prohibited.
8. This Dispute Resolution process will be annually distributed to Classified employees at the beginning of each plan year. This distribution includes the name and position of the college's appointing authority.

### **Informal - Discussion**

- The employee is required to discuss the dispute with the supervisor within three (3) business days of a disputable action.
- If, following the initial meeting with the supervisor, the employee believes the dispute has not been resolved, the employee must contact the Human Resource Office to obtain a Dispute Resolution form. The employee must complete the form stating the reason for the dispute and submit it to the Human Resource Office within five (5) business days of the meeting with the supervisor. Human Resources determines if the issue is disputable. (See #3 above.) If the issue is not disputable, Human Resources notifies the employee.
- If the issue is disputable, Human Resources provides a copy of the Dispute Resolution Form to both the immediate supervisor and the second-level supervisor.
- Within five (5) business days of the receipt of the Dispute Resolution Form, Human Resources, or other resource available to the College/System (State Mediation Services, Internal or Other Qualified Personnel), facilitates a mediation meeting with the Employee, Supervisor and Second-Level Supervisor. The mediator attempts to assist the parties in reaching a mutually satisfactory resolution to the issues in dispute.
- If a resolution is not reached, the employee has the option to request a review through the formal process.

### **Formal - Panel Review**

- The employee must submit, in writing, a request for the panel review within five (5) business days of the final conclusion of the informal process.
- The Human Resource Office convenes a panel within five (5) business days of the receipt of a request for a panel review. A panel of three (3) peers, to include two (2) Classified employees and one (1) Exempt employee, reviews the documentation and forwards a written recommendation to the College/System President.
- Each College/System has a method for choosing and convening the peer panel.
- The scope of authority of those individuals making final decisions throughout the pay for performance dispute resolution process is limited to reviewing the facts surrounding the current action, within the limits of the agency's performance management program. These individuals shall not substitute their judgment for that of the rater(s) or for the internal decision makers in the agency if an issue is being reviewed externally. Further, these individuals shall not render a decision that would alter the college's performance pay program.
- The Appointing Authority or his/her designee, shall consider the recommendation of the panel and render a final, written decision within five (5) business days.
- The Appointing Authority or his/her designee has the authority to instruct a rater(s) to:
  1. Follow the College's performance pay program;
  2. Correct an error;
  3. Reconsider an individual performance evaluation or plan, or;
  4. Suggest other appropriate processes.

Community Colleges of Colorado  
Pay for Performance Dispute Resolution

**External Review**

- After the conclusion of the internal review process, employees will be given written notice that they may submit a written request for review by the State Personnel Director, 1120 Lincoln, Suite 1420, Denver, Colorado 80203, only for those disputes concerning application of the college's program as it relates to the individual employee's performance plan or final evaluation or full payment of a salary adjustment.
- The request for review must be made within five (5) working days of the employee's receipt of the college's final decision and must include a copy of original issues and the final decision. A copy of the request for review must be presented to the person who makes the college's final decision.