

Colorado Community College System

Classified Performance Management Dispute Resolution Process

The purpose of the performance management dispute resolution process is to create an open, impartial, and non-confrontational opportunity that allows the parties involved to have issues heard. The process is designed to encourage dialogue and communication to resolve issues regarding performance management. Employees are provided the opportunity to have concerns resolved in a timely manner that preserves the working relationship.

The performance management dispute resolution process is not a grievance or appeal. No party has an absolute right to legal representation. The parties are expected to speak for themselves about matters related to performance management and evaluation. However, any party may have an advisor present to assist in explaining processes or to help identify the issues and prepare documents. Retaliation against any person in the dispute resolution process is prohibited.

It is expected that prior to filing a formal dispute every effort is made by the employee and rater to resolve the issues at the lowest level possible. Informal dispute resolution is strongly encouraged before an employee initiates a formal dispute. It is assumed when a formal dispute has been submitted that the employee and their supervisor have discussed and attempted to resolve any disagreements through the informal dispute process outlined below.

Informal Dispute Process:

- Within 10 days of the event, the employee notifies the supervisor of their concern.
- The supervisor meets with the employee to discuss the concerns and attempts to resolve the issue.
 - The second level reviewer may be included in this discussion.
- Within 7 days of this meeting, the supervisor will issue a written response outlining their decision. This response will be provided to the employee and the Human Resources office.

The formal performance management dispute resolution process includes 2 stages. The first, the internal stage, occurs within the college/system office. Resolution on issues concerning the individuals overall performance evaluation, including lack of a plan, occur at the internal stage and are final. Employees have no further recourse for resolution of disputes related to these matters. The external stage is administered by the State Personnel Director and review at this stage is limited to the issues raised by the employee, that were not resolved at the internal stage, which involve the application of the college's/system's performance management program. The colleges and the system office will attempt to solve all performance management disputes at the internal stage.

Guiding Principles of the Formal Performance Management Dispute Resolution Process:

A. Issues that are disputable:

- The individual final overall performance evaluation, including lack of a plan during the planning cycle and/or lack of a final overall evaluation
- The application of a college's performance management program to the individual employee's final overall evaluation

B. Issues that are NOT disputable*:

- Performance evaluations and merit pay of other employees
- The content of the college's performance management program
- Matters related to the funds appropriated for merit pay, including full payment

*For concerns regarding matters listed above that are not disputable, supervisors are encouraged to make a sincere effort in responding to and addressing concerns raised by their employees.

Classified Performance Management Dispute Resolution Process

- C. Allegations of discrimination or retaliation for disclosure of information (whistle blowing) must be filed with the State Personnel Board, pursuant to Personnel Board Rule 8-20 or 8-25.
- D. Performance evaluations that result in a corrective action are grievable and are addressed through the Employee Grievance Process.
- E. The scope of authority of those individuals making final decisions throughout the performance management dispute resolution process is limited to reviewing the facts surrounding the current action, within the limits of the college's/system's performance management program. These individuals shall not substitute their judgment for that of the rater(s). Further, these individuals shall not render a decision that would alter the college's/system's performance management program.
- F. Only issues originally presented in writing shall be considered throughout the dispute resolution process.
- G. This Dispute Resolution process will be provided to classified employees as well as available on the [CCCS Human Resources and Payroll Forms](#) page.
- H. If an employee with a pending dispute separates from the state personnel system, the dispute will be dismissed.

Stage 1: Internal Stage – College or System Office

- Within 5 working days of the employee's receipt of the supervisor's decision, an employee can submit a Classified Performance Management Dispute Resolution Form to Human Resources.
- Human Resources will evaluate the dispute to identify if the issues are disputable, as outlined above.
- If the matter is disputable, Human Resources will forward the dispute form to the employee's Appointing Authority.
- Each Appointing Authority will establish guidelines for prompt review of disputes.
- The Appointing Authority is limited to considering only those disputable items presented in writing.
- Within 30 days of the date the formal dispute was submitted, a copy of the final written notice will be provided to the employee and the Human Resources office. By mutual agreement of the involved parties, the timeline can be extended.
- For issues disputable at the External Stage, the employee shall be given written notice, including deadlines, address for filing and requirements to include a copy of the original written dispute and the college's/system's final decision.

Stage 2: External Stage – State Personnel Director

- Within 5 working days of the employee's receipt of the college's/system's final decision, an employee may file a written request for review by the State Personnel Director. Only original issues involving the application the college's/system's performance management program that were not resolved at the Internal Stage will be considered.
- Requests can be mailed or hand delivered to:
 - State Personnel Director
 - 1525 Sherman, 4th Floor
 - Denver, CO 80203

Classified Performance Management Dispute Resolution Process

- The request for external review can be made using the Colorado State Personnel System Consolidated Appeal/Dispute Form found on the Colorado Division of Human Resources website. Requests must include a copy of the original written dispute and the final written decision from the Internal Stage.
- The employee must send a copy of the request for external review to their Human Resources office.
- The State Personnel Director's written decision must be issued within 30 days and is final and binding.