



## **Performance Pay System Disputes Process**

Under the University of Northern Colorado Performance Pay Program, the direct relationship between performance standards and evaluations and pay rate change has the potential to result in differences of opinion between employees and their supervisor. A notice of the University's internal review process will be provided to all Classified Employees and supervisors annually. This notice will include timelines and the name/position of the Appointing Authority or designee for this process. Every effort should be made by the parties to resolve issues at the lowest possible level in a timely manner. Informal resolution before initiating the dispute resolution process is strongly encouraged.

As addressed in the guidelines issued by the State Department of Personnel, issues that may be in dispute that are to be addressed through this process are:

1. The individual performance plan, including lack of a plan during the planning cycle;
2. The individual final overall performance evaluation, including lack of a final overall evaluation;
3. The application of a department's performance pay program to the individual employee's plan and/or final overall evaluation; and
4. Full payment of the performance salary adjustment.

NOTE: Disagreements resulting from other facets of the UNC Performance Pay Program as outlined below are not reviewable through this process or any other formal Dispute Resolution process. However, departments are encouraged to make sincere efforts in responding to and/or addressing concerns related to these issues.

Issues not allowed to be disputed:

1. The design of the UNC Performance Pay Program management plan.
2. The amount of money available for the UNC Performance Pay Program salary adjustments.
3. The evaluations of and performance salary adjustments to other employees.
4. The amount of the performance salary adjustment granted unless the issue involves the application of the University's performance pay program.

In order to ensure the speedy resolution of disputes related to the UNC Performance Pay Program, the following procedure has been adopted. The expedited process from immediate supervisor to final decision is intended to resolve disputes in a timely fashion so that performance salary adjustments granted under the UNC Performance Pay Program are finalized in time for a July 1 implementation each year.

The State Personnel Director retains jurisdiction for disputes related to performance evaluations that do not result in corrective or disciplinary action. The formal dispute resolution process has two stages – internal to the University and external to the Department of Personnel. The Director of Human Resource Services, as delegated appointing authority, serves as the decision maker in the internal dispute resolution process. Decisions are limited to addressing facts surrounding the current action. The decision will not substitute for

UNIVERSITY of  
NORTHERN COLORADO



*Office of Human Resource Services  
Carter Hall, Room 2002*

---

that of the rater and review but may instruct raters to follow the University's Performance Pay Program, correct errors, reconsider a performance rating or plan, or suggest other appropriate processes such as mediation. Decisions cannot be rendered that would alter the University's Performance Pay Program.

**Step One: Employee Initiates Internal Dispute Process:**

- An employee wishing to initiate the process for Dispute Resolution will so advise her/his supervisor, using the UNC Performance Pay Program Dispute Resolution Form, within **three (3)** working days of the event, which has resulted in the disagreement. A copy of the completed form shall also be provided to the Department Chair or Department Head of the employee's unit and to the Director of Human Resource Services.

**Step Two: Initial Internal Review:**

- Upon receipt of the Dispute Resolution Form, the supervisor will schedule a conference with the employee to discuss the issue(s) presented within **five (5)** days of receipt of the Form. The conference must be open and impartial and must allow the parties an opportunity to have issues heard. The employee, the employee's supervisor and the person responsible as the "reviewer" within each unit shall attend this conference. In addition, an advisor at this step or any other step in the process may accompany the employee. The role of the advisor is to assist the employee in the process but the employee is expected to present her/his issue(s) in all meetings. The conference must occur within five working days of the date the supervisor receives the written request unless both parties agree to an extension of time, exceptions as noted below.
- **Note:** Disputes arising from the employee's final performance evaluation are not subject to the extension process, due to the short amount of time available for making the UNC Performance Pay Program salary adjustments and the impact of the evaluation on those decisions. In this instance, the unavailability of the supervisor or the reviewer will result in the conference being conducted absent that person. The unavailability of the employee to meet within the defined time period will result in the dispute being terminated.
- The supervisor shall provide the employee with a written response to the employee's concerns **within three (3) working days** of the conclusion of the initial review conference. The response shall reflect the collective conclusions of the supervisor and the reviewer. Copies of the response are to be provided to the same officials receiving the employee's Dispute Resolution Form.

**Step Three: Final Internal Review:**

- If the employee is not satisfied with the conclusions presented at the Initial Review stage, he/she must so indicate in writing to the Director of Human Resources within **three (3) working days** of receipt.
- Within three working days of receipt of the request to initiate the Final Review, the Director will conduct a conference with the employee and the two supervisory employees involved in the Initial Review.
- The Director shall issue his/her written decision within three working days of the conference. **The decision issued shall be binding unless the dispute includes allegations that the UNC Performance Pay Program's plan was not followed or that a complete payment of the award finally approved was not**

UNIVERSITY of  
NORTHERN COLORADO



*Office of Human Resource Services  
Carter Hall, Room 2002*

---

**made.** In these instances, the employee may proceed to the External Stage described below. The same principles for the presence of the advisor and changes in the time frame outlined in the initial review stage also apply to the final review stage.

- If the employee is not satisfied with the results of the HR Directors review, the employee has **five (5) days** from the date of the department's final decision to request a review from the State Personnel Director.
- When either the supervisor or reviewer is the Director of Human Resources, then the final stage review will occur at the appropriate Vice-President level.
- The employee will be given a written notice from the Director of Human Resources at the conclusion of the internal review process that provides specific information on proceeding to the external review process.

Note: Per the State's grievance process, 8-5B, issues pertaining to leave sharing, discretionary pay differentials, granting or removal of in-range salary movements, or the performance pay system that do not result in corrective or disciplinary action are not subject to grievance or appeal.

### **External Review**

The Director of the State Department of Personnel administers this stage. Only those original issues involving the application of management plan to the individual plan and/or evaluation, or full payment of a UNC Performance Pay Program salary adjustment may advance to this stage.

1. Within five working days from the date of the agency's final decision, an employee may file a written request for review at Attention: Appeals Processing, 1313 Sherman Street, Room 122, Denver, CO 80203.
2. The request for external review shall include a copy of the original issue(s) submitted in writing and the written decision at the final review stage. All requests for review are subject to an initial screening to determine if review is warranted. Such screening is based on specific criteria published by the Director. If a determination is made that further review is not warranted, it is final and binding and the employee will be notified accordingly.
3. If further review is warranted, the Director or designee may select a qualified neutral third party. The neutral third party has 30 days to issue a written decision, which is final and binding.
4. For an issue being reviewed at the external stage, these individuals shall not substitute their Judgment for that of the rater, reviewer, or the department's dispute resolution decision maker made at the internal dispute stage.
5. In reaching a final decision (in the external stage) these individuals have the authority to instruct a rater to: a) follow agency's program, b) correct an error, or, c) reconsider an individual performance plan or final overall evaluation. They may also suggest other appropriate processes such as mediation.

**Note:** No party has an absolute right to legal representation but may have an advisor present at any and all stages of the Dispute Resolution process. Regardless, the employees are expected to speak for

UNIVERSITY of  
NORTHERN COLORADO



*Office of Human Resource Services  
Carter Hall, Room 2002*

---

themselves. Retaliation against any person involved in the dispute resolution process is prohibited.