

# Performance Pay Dispute Resolution Form

Date \_\_\_\_\_  
Employee's Name \_\_\_\_\_ Job \_\_\_\_\_  
Title \_\_\_\_\_  
Department & 4-digit mail code \_\_\_\_\_  
Supervisor \_\_\_\_\_

### I wish to have the following reviewed:

- \_\_\_\_\_ 1. My performance plan or lack of a plan. The error or problem is:
  
  
  
  
  
  
  
  
  
  
- \_\_\_\_\_ 2. My performance rating. The error or problem is:
  
  
  
  
  
  
  
  
  
  
- \_\_\_\_\_ 3. The application of the CSU Performance Pay Program, process, or policies to my plan or evaluation. The error or problem is:
  
  
  
  
  
  
  
  
  
  
- \_\_\_\_\_ 4. Full payment of my award. The error or problem is:

### To resolve this issue, I have taken the following actions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### RESOLUTION BEING REQUESTED:

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**Employee's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

For additional information on the dispute resolution process including the form to use in proceeding to the external process consult the User Guide, Section VII available on the web at:

[http://www.colostate.edu/Depts/HRS/cpp/user\\_guide/toc.html](http://www.colostate.edu/Depts/HRS/cpp/user_guide/toc.html), or by contacting the CSU Employee Relations Manager at 970-491-3548.

**Submit copies to your supervisor, reviewer and to Human Resource Services.**

## VII. DISPUTE RESOLUTION PROCESS

Under Colorado State University Performance Pay Program, the direct relationship between performance evaluations and pay rate change has the potential to result in differences of opinion between employees and their supervisor.

According to State Department of Personnel guidelines, issues that may be disputed are:

- The employee's performance plan (or absence of a plan)
- The final overall performance evaluation rating, including lack of a final overall evaluation
- The application of the CSU Performance Pay Program to the employee's plan and/or final overall evaluation; and,
- Complete payment of the base or non-base building awards approved for the employee.

Every effort should be made to resolve the issue at the lowest possible level in a timely manner. Informal resolution before initiating the dispute resolution process is strongly encouraged.

In order to ensure the speedy resolution of disputes related to CSU 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 awards granted under CSU Performance Pay Program are finalized in time for a July 1 implementation each year.

An employee wishing to initiate the process for Dispute Resolution will so advise her/his supervisor, using the CSU Performance Pay Program Dispute Resolution Form in Section II within three 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 Human Resource Services Director's Office.

**Initial Review:** Upon receipt of the Dispute Resolution Form, the supervisor will schedule a conference with the employee to discuss the issue(s) presented. The employee, the employee's supervisor and the person responsible as the "reviewer" shall attend this conference. The dispute resolution process is an open process that is not a grievance or appeal. 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.

The conference at this initial review 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 CSU Performance Pay Program salary awards 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.

Within three working days of the conclusion of the initial review conference, the supervisor shall provide the employee with a written response to the employee's concerns. The response shall

reflect the collective conclusions of the supervisor and the reviewer. Copies of the response are provided to the employee and HRS.

**Final Review:** If the employee is not satisfied with the conclusions presented at the Initial Review stage, he/she must contact the Head/Chair of her/his department in writing within three working days of receipt. Within three working days of receipt of the request to initiate the Final Review, the Head/Chair will conduct a conference with the employee, the supervisor and the reviewer involved in the Initial Review.

The Department Head/Chair shall issue his/her decision within three working days of the conference. The decision issued shall be binding unless the dispute includes allegations that the CSU Performance Pay Program 's Program was not followed or that a complete payment of the award finally approved was not 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.

When either the supervisor or reviewer is the Department Head/Chair, then the final stage review will occur at the Dean/Vice-President level.

**External Stage:** The Director of the State Department of Personnel administers this stage. Only those original issues involving the application of CSU Performance Pay Program to the individual plan and/or evaluation, or full payment of a CSU Performance Pay Program award 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 with the Director using the appeal form on the following page.
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. 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 shall select a qualified neutral third party. The neutral third party has 30 days to issue a written decision, which is final and binding.

NOTE: The scope of authority of those individuals making final decisions throughout the dispute resolution process is limited to reviewing the facts surrounding the current action, within the limits of the CSU Performance Pay Program. These individuals shall not substitute their judgment for that of the rater, reviewer, or the decision maker of the Internal Final Review. Further, these individuals shall not render a decision that would alter the CSU Performance Pay Program.

In reaching a final decision, these individuals have the authority to instruct a rater(s) to:

1. Follow the CSU Performance Pay Program
2. Correct an error; or,
3. Reconsider an individual performance plan or final overall evaluation

These individuals may also suggest alternative dispute resolution such as mediation

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

