



# CCCS Performance Management Dispute Process

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Within this document the Colorado Community College System, including any college within the system, is the “Department.” The State of Colorado Personnel Director is the “Director.”

Certified, Classified employees who are directly affected as a result of an action by the Department may file a Director’s External Dispute. The following procedural events shall be reviewed by the Director:

- A. The individual final overall performance evaluation, including lack of a final overall evaluation; and
- B. The application of the Department’s performance management program to the employee’s final overall evaluation.

The following performance management matters are not disputable:

- A. The content of the Department’s performance management program;
- B. Matters related to the funds appropriated; and
- C. The performance evaluations and merit pay of other employees.

## **General Provisions.**

The performance management dispute process is designed to address and resolve problems at the lowest level possible.

The Department is making their performance management dispute process readily available to employees by posting it on the Department’s website or intranet.

## **Performance Management Dispute Procedures.**

### **Step One:**

1. Initiating a performance management dispute. To initiate the dispute process, the employee shall notify the employee’s supervisor or another person within the employee’s chain of command. Such notification may be verbal, but must communicate that the employee is initiating Step One of the performance management dispute process.

2. Deadline for initiating a performance management dispute. The employee shall initiate the dispute process within ten (10) days from receipt of their final performance evaluation or within ten (10) days from August 31, if an evaluation was not received.
3. Step One Discussion.
  - a. The Step One Discussion shall include the employee and the supervisor or another person within the employee's chain of command.
  - b. The Step One Discussion shall include ideas for resolving the matter.
  - c. The employee does not have the right to representation during the Step One Discussion.
  - d. The Step One Discussion shall occur within fourteen (14) days from the employee initiating the dispute process.
4. Step One Decision.
  - a. The employee shall be informed in writing of the Step One Decision.
  - b. The Step One Decision is binding on the parties unless the employee proceeds to Step Two of the dispute process.
  - c. The Department shall provide its Step One Decision to the employee within fourteen (14) days from the date of the Step One Discussion.
  - d. The Step One Decision shall state that if the employee initiates Step Two, the employee must provide a written dispute to the appointing authority within ten (10) days from receipt of the Step One Decision.
  - e. The Step One Decision shall identify the employee's appointing authority.

**Step Two:**

1. Written dispute. To initiate Step Two of the performance management process, the employee shall provide a written dispute to the employee's appointing authority. The written dispute shall include all the reasons why the employee believes the performance evaluation, lack thereof, or application of the Department's performance management program was inappropriate. Only the issues raised in the written dispute will be considered in subsequent proceedings.
2. Deadline for Initiating Step Two.
  - a. The employee shall initiate Step Two of the dispute process within ten (10) days from receipt of the Step One Decision.

- b. If the Department fails to issue the Step One Decision within fourteen (14) days from the Step One Discussion, the employee may initiate Step Two without awaiting the Step One Decision, but shall do so no later than twenty-one (21) days after the Step One Discussion.
3. Review of Step Two Dispute.
  - a. The appointing authority will review the dispute at Step Two of the performance management dispute process unless the appointing authority appoints another person or a panel to review and/or make recommendations regarding the dispute.
  - b. The appointing authority may delegate the Step Two Decision to another person or a panel.
4. Step Two Meeting.
  - a. The appointing authority or delegate will meet with the employee to gather information and/or attempt to resolve the dispute.
  - b. The Step Two Meeting shall occur within twenty-eight (28) days from the employee initiating Step Two.
  - c. The employee may bring a representative, who may or may not be an attorney, to the Step Two Meeting.
  - d. A representative during the Step Two Meeting may participate and speak during the meeting but the employee is expected to answer any questions and actively participate.
5. Step Two Decision.
  - a. The employee shall be informed in writing of the Step Two Decision.
  - b. The Department shall provide its Step Two Decision to the employee within fourteen (14) days from the date of the Step Two Meeting.
  - c. The Step Two Decision is binding on the parties and no further internal recourse is available.
  - d. The Step Two Decision shall state if the matter is disputable at the external stage and include the deadline and instructions for filing an external performance management dispute to the Director using the Consolidated Appeal/Dispute Form.

Any of the timeframes for completion of the performance management dispute process may be waived or modified if agreed to by both parties, including deferral of action to allow the parties a chance to resolve the issue.

**Deadline for filing a Director's External Dispute.**

The employee shall file a Director's External Dispute within five (5) days from the date of receipt of the Step Two Decision.

Director's External Disputes must be submitted in writing using the Consolidated Appeal/Dispute Form found on the Department of Personnel Division of Human Resources website. The dispute must include copies of the employee's individual performance evaluation, the original written dispute, and the Department's Step Two Decision.

The External stage is administered by the Director. Only issue(s) originally presented in writing to the Department during the Department's internal process shall be considered during the Director's external performance management dispute resolution process.

The Director shall issue a written decision that is final and binding within thirty (30) days from receipt of filing.