

- Title:** SPA Performance Pay Dispute Resolution
- Purpose:** The SPA Performance Pay Dispute Resolution policy provides a process for SPA employees to appeal performance ratings and/or performance pay decisions. Performance pay disputes must be resolved by utilizing the University Performance Pay Dispute Resolution Procedure. However, disputes alleging discrimination will be processed through the SPA Grievance policy and procedure.
- Scope:** This policy applies to all SPA (Subject to the Personnel Act) permanent employees.
- Policy:** SPA Employees have the right to a hearing to review and resolve disputes concerning performance ratings and/or performance pay decisions. Decisions resulting from the SPA Performance Pay Dispute Resolution Procedure are final and cannot be appealed beyond the University level.
- Grievances pertaining to performance pay may be filed for Performance Ratings and/or Performance Increases as follows:
1. The failure to receive an increase based on a performance rating or the amount of a performance increase
  2. The overall summary rating of a performance review, if rating is Good (G), Below Good (BG) or Unsatisfactory (U)
- Procedures:** When the State's legislature assigns funds to the University for salary increases to be awarded in accordance with the State's Performance Management System, the University shall ensure that salary increases are distributed fairly, consistent with internal equity and with the Performance Management System. Employees will be notified of the availability of the Performance Pay Dispute Resolution process as follows:
- An SPA employee's right to appeal a performance rating is stated on the SPA Performance Appraisal and Work Plan form.
  - When the legislature assigns funds for salary increases to be awarded in accordance with the Performance Management (or Appraisal) system, SPA employees who are eligible for a performance pay increase will receive notice of appeal rights upon notification of whether or not they will receive an increase and/or when they are advised of the amount of the increase they will receive.

To file for a review of a performance pay issue, the employee must contact Human Resources ***within 15 calendar days*** from the date of receipt of the action being disputed and submit a completed *SPA Performance Pay Dispute Resolution Form*. A review of the appeal must be conducted and the employee must receive written notification within 60 calendar days from the date Human Resources receives the completed *SPA Performance Pay Dispute Resolution Form*. If the 60<sup>th</sup> day falls on a weekend or holiday, the next business day will be considered as the 60<sup>th</sup> day.

**Steps:**

- I. The department head reviews the case and provides the employee with a written ruling. If not satisfied with the department head's decision, the employee may request a panel hearing.
- II. The panel, which consists of a representative from Human Resources and the Review Panel (a committee appointed from the SPA Grievance Review Board pool, consisting of at least 5 members representative of the university community through demographics, organizational level, and occupation, with at least two members in non-supervisory positions), reviews the case. The employee may eliminate up to 2 members of the panel, and replacement board members will be appointed from the pool by the Director of Employee Relations. Action by the employee in disqualifying a member or members and the replacement of the member(s) from the panel shall not reduce the number of non-supervisory employees on the panel to less than two. The Director of Employee Relations serves as an ex officio member of the Review Panel.

The employee is allowed to appear in person before the panel prior to a final university decision being rendered. Neither side will be permitted to be represented by an attorney. The proceeding shall not be tape recorded; no person shall be required to testify under oath. A majority vote, rather than a unanimous vote, by the panel members will decide the panel's recommendation. After the review, the panel submits a written recommendation to the Director of Employee Relations.
- III. The Director of Employee Relations forwards the written recommendation to the Chancellor.
- IV. The Chancellor reviews the recommendation and either accepts the recommendation or modifies the decision. The Chancellor will send a written decision to the employee and the department supervisor. If the decision is modified from the panel's recommendation, the written

decision will include a statement about why he/she is not accepting the recommendation of the panel.

- V. This decision is final and cannot be appealed beyond the University level. Although a complaint may involve one or more issues in this area, an employee shall have only one opportunity to file a complaint on those issues. The final agency decision shall resolve all issues involving an employee's complaint so that no further appeal by the employee is necessary to resolve additional issues.

Approved on: 5/19/2009  
Next review: 5/19/2011