

Policy

Performance Review Appeal Process

Department of Administration

Policy

Performance appraisals are not grievable under collective bargaining agreements or the plans covering unrepresented employees. Instead, the contracts and plans provide for performance appraisals to be appealed to Appointing Authorities in accord with DOER Admin Procedure #20. This document outlines the procedure to be followed by Department of Administration employees when an individual employee wishes to appeal his/her performance appraisal.

Philosophy

By their very nature, performance appraisals are subjective, even though they include objective performance standards. Managers and supervisors are in the best position to evaluate an employee's work performance and work behavior. For this reason, the Human Resources Division will not attempt to substitute its judgment for the supervisors unless an employee can demonstrate that the evaluation was arbitrary, capricious, illegally discriminatory, or just plain wrong based on solid data (e.g., the performance standard is to produce 50 widgets an hour and the employee can provide that s/he did, in fact, produce 50 widgets an hour). However, the appeal process can still be helpful if only because it involves a neutral third party who can sometimes help to facilitate a better understanding or resolve a dispute between an employee and supervisor.

Definitions

- Appointing Authority – A person or group of persons empowered by the constitution, statute, or executive order to employ persons in or to make appointments to positions in the civil service. In the Department of Administration, the Commissioner is the Appointing Authority (MN Stat. 43A.02, Subd.5). For the purposes of this policy, delegation has been made by the Appointing Authority to the Human Resources Director.
- Performance Appraisal – a formal review of an employee's performance by at least the employee's immediate supervisor, and which is documented in writing. It is used interchangeably with "performance evaluation," and "performance review," and "performance assessment."

Procedure

Employees:

1. Discuss his/her performance review candidly with his/her supervisor, expressing any disagreements s/he may have with the review, and provide additional information/documentation to support his/her case.

2. If employee still disagrees with his/her evaluation after discussion with the immediate supervisor, employee may include his/her comments in the Employee Comments section of the evaluation form, and submit a formal, written appeal to his/her supervisor's supervisor within 7 calendar days of the final supervisory signature on the evaluation form. The appeal must include:
 - a. A written memo stating the employee's intent to appeal and listing the specific parts of the appraisal with which the employee disagrees and explaining the nature and extent of the disagreement;
 - b. Copy of the performance appraisal with the employee's comments; and
 - c. Relevant supporting documentation.
3. The second level supervisor must respond in writing to employee within 15 calendar days.
4. If employee continues to disagree with their performance evaluation, s/he may then appeal to the Human Resources Director within 30 calendar days. The appeal must include all the information submitted on appeal to the second level supervisor **and** his/her written response.

Human Resource Director:

1. Respond to performance appraisal appeals him/herself or designate a manager or confidential employee to handle these appeals.
2. Responding to performance appraisal appeals may include, some or all of the following actions:
 - a. Review the appraisal, appeal, and supporting documentation.
 - b. Contact the employee and/or the supervisor(s) to obtain clarification or additional information. This could be done via any means of communication.
 - c. Collect additional information from other relevant sources.
 - d. Make a decision and inform the employee in writing with a copy to the supervisors. If applicable, take any action necessary to implement the decision.

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