

# EVALUATION APPEAL OPTIONS

Several options are available for classified employees who wish to appeal their performance plan or evaluation ratings or comments. These options are listed below beginning with the least formal and ending with the most formal.

## ***Discussion with Supervisor***

This is the least formal but most effective option. It provides an opportunity for both parties to discuss the issues and work toward a mutually agreeable resolution.

## ***Mediation***

Sometimes, a difficult discussion may require assistance in the form of mediation. During this process, the employee and supervisor discuss the evaluation with the help of two trained mediators in a confidential setting. Both parties are given an opportunity to state their concerns and express their points of view. The goal of mediation is for the parties to reach mutual agreement or to leave the process with a greater understanding of the issues. If a grievance has been initiated about an evaluation (see below), it may be put "on hold" by entering into mediation and signing a "hold" agreement.

## ***Written Rebuttal***

An employee can attach a written rebuttal to his/her evaluation explaining the areas of concern and/or disagreement. This action documents the concerns but does not change the evaluation.

## ***Written Appeal***

The employee puts his/her concerns in writing to the reviewer within 10 workdays of receipt of the performance evaluation. The employee should specify the areas of disagreement and desired changes. The reviewer may discuss the issues further with the employee and/or supervisor and should respond in writing within five workdays to the employee. Ultimately, the reviewer may make specific changes to the evaluation comments or ratings or may uphold the evaluation as originally written. Use of this process does not automatically extend the 30-calendar day timeframe to initiate a formal grievance.

## ***Grievance***

This option is the most formal and adversarial. An employee has 30 calendar days from receipt of the evaluation to file a grievance with his/her immediate supervisor. The supervisor has five workdays to provide a written response to the grievance. Although employees may grieve a performance evaluation through the management response steps, the issue qualifies for a hearing only if the employee can show that there has been a misapplication of the performance appraisal policy or that the evaluation was conducted in an arbitrary or capricious manner. Complaints of discrimination or retaliation as they relate to performance evaluations also may be grievable. It is important to note that an administrative hearing officer can only grant a reevaluation; a specific rating or comment cannot be ordered. Grievances must be reported to the Human Resource Employee Relations office for monitoring and record keeping.

For more information on these options or to schedule a mediation session, please call 828-1510 or e-mail [emprel@vcu.edu](mailto:emprel@vcu.edu).