

## **Performance Evaluation Appeal**

Any USS employee with permanent status (or eligible under K.A.R. 1-7-11) may appeal a performance review rating which is less than the highest possible rating. An employee who believes that he/she has been unfairly rated may, within seven (7) calendar days after being informed of the rating, address an appeal in writing to the Vice President for Administration and Finance (Appointing Authority). This written appeal may be delivered in person or by mail to: Vice President for Administration and Finance, Fort Hays State University, 600 Park Street, Hays KS 67601.

The Director of Human Resources (Appointing Authority's designee) will be immediately notified of the appeal. The Director of Human Resources has the option (A) to investigate and forward the appeal, without any changes, to the Director of Employee Relations (Appointing Authority's designee), or (B) to investigate and make any changes in the rating deemed appropriate.

Under option (A), if the Director of Human Resources' investigation results in no change in the rating, nor any comments added to the rating form, the Director of Employee Relations will be notified to proceed with the appointment of an appeal committee within seven (7) days of the receipt of the employee's original written notice of appeal.

Under option (B), if the Director of Human Resources' investigation results in any change in the rating, or adds any comments to the rating form, the revised rating form will be returned to the employee to be signed. If the employee agrees with the revised evaluation the appeal is complete. If the employee disagrees with the revised evaluation he/she may, within seven (7) calendar days, file a written notice with the Director of Human Resources to continue the appeal process. The Director of Employee Relations will be notified to proceed with the appointment of an appeal committee to be appointed within seven (7) calendar days from the filing of the notice to continue with the appeal under option B.

Three or more persons, who in the judgment of the Director of Employee Relations will be fair and impartial, will be appointed to hear the appeal. Before the appeal committee is appointed, the employee will be given the opportunity to request disqualification of a proposed committee member by showing cause for bias. The appeal committee will not include the initial rater(s). Members of the committee will be employees of Fort Hays State University. However, one or more members of the committee from one or more other state agencies may be selected if the Director of Employee Relations determines that the objective of a fair and impartial hearing can best be served by doing so. As soon as the committee has been appointed, the Director of Employee Relations will notify the employee of the names of the members of the committee.

The appeal committee will consider any relevant evidence that may be offered by the employee and the rater, and will make available to the employee any evidence it may secure on its own initiative. The employee and rater will have an opportunity to question any person offering evidence to the appeal committee. The appeal committee may limit the offering of evidence it deems to be repetitious or irrelevant. Within fourteen (14) calendar days of the date the members of the committee were appointed, the committee will prepare and sign a rating for the

employee. That rating will be final and not subject to further appeal. The appeal committee will give the rating to the Vice President for Administration and Finance who, within five calendar days, will transmit copies to the employee, the person(s) who originally rated the employee, the Human Resources Office, and the Office of Personnel Services.

If an appeal committee cannot be appointed in the prescribed seven (7) calendar days, or if the appeal committee cannot make its rating within fourteen (14) calendar days of the date of its appointment, the Director of Employee Relations may extend these time limits. However, such an extension will not result in the appeal committee making its rating more than thirty (30) calendar days from the date the original appeal was filed, except with the approval of the Director of Personnel Services for the State of Kansas.