

|   |   |  |
|---|---|--|
| <b>ONEIDA TRIBE OF<br/>WISCONSIN<br/>STANDARD OPERATING<br/>PROCEDURE</b> | TITLE: Resolution Process for Appealed<br>Unsatisfactory Annual Performance<br>Evaluations                      | ORIGINATION DATE:<br>8-24-2010<br>REVISION DATE:<br>6-30-16<br>EFFECTIVE DATE:<br>After last signature |
| AUTHOR: Terry Hetzel  | APPROVED BY:                   | DATE: July 1, 2016   |
| DEPARTMENT: Equal Employment<br>Office (EEO)                              | APPROVED BY:  | DATE:  |
| DIVISION: Non-Divisional  | APPROVED BY:  | DATE:  |
| EEO REFERENCE NUMBER:<br>20   | COMPLIANCE REVIEW BY: EEO<br> | DATE: 6-30-16  |
| PAGE NO: 1 of 4   | APPROVED BY: HRD Manager<br>  | DATE: 7/01/16  |

## 1.0 PURPOSE

The HRD Manager has designated the appeal of unsatisfactory annual performance evaluations to the Continuous Improvement Mediation Specialist (CIMS).

Oneida Personnel Policies and Procedures, section V.B.4.b. that states, "Employees may appeal unsatisfactory evaluations to the HRD Manager. The HRD Manager will consult with the supervisor and the employee to negotiate an appropriate resolution."

## 2.0 DEFINITIONS

2.1 Contact: Relaying of information through any of the following methods: phone call, email, certified email, or US Post Office, Oneida Intertribal Mail.

2.2 Negotiation Meeting: Facilitated meeting between Employee and Immediate Supervisor/s to discuss and possibly revise individual scores on Unsatisfactory Evaluation.

## 3.0 WORK STANDARDS

3.1 The HRD Manager designates the Continuous Improvement Mediation Specialist (CIMS) position to execute this responsibility from the Tribal policies.

3.2 CIMS will be acting as a negotiator/mediator and will negotiate appeals only for unsatisfactory annual performance evaluations.

- 3.3 The employee will be contacted by CIMS within five (5) working days of receipt of the appeal to set up an appointment to review the unsatisfactory performance evaluation.
- 3.3.1 Day one (1) starts the first working day after receiving the appeal.
- 3.3.2 If the employee fails to respond to at least two (2) notices throughout this process, the case will be considered closed and the unsatisfactory performance evaluation will be unchanged.
- 3.4 CIMS will meet with the employee to discuss the unsatisfactory performance evaluation.
- 3.5 CIMS will contact the Immediate Supervisor(s) within five (5) working days of meeting with the employee to request a meeting to review the unsatisfactory evaluation with the Immediate Supervisor(s).
- 3.5.1 The Immediate Supervisor must respond within five (5) working days of CIMS contact.
- 3.5.2 Day one (1) starts the first working day after the CIMS contact.
- 3.6 If the supervisor(s) doesn't respond by the deadline given, CIMS will send a second letter within five (5) working days to the supervisor and Area Manager requesting a meeting.
- 3.6.1 This letter will notify the supervisor they are out of compliance with section V.B.4.b of the Oneida Personnel Policies and Procedures and request immediate contact or possible corrective action.
- 3.6.2 If the Immediate Supervisor(s) failed to respond to two (2) notices, CIMS will continue to meet with the employee to complete the resolution of the appealed annual performance evaluation and the evaluation may be changed to satisfactory or above.
- 3.7 CIMS will set up a negotiation meeting with the employee and the Immediate Supervisor(s) within five (5) working days after the meeting with the Immediate Supervisor(s).
- 3.8 The resolution meeting will only address the issues described in the unsatisfactory performance evaluation. Information unrelated to the unsatisfactory performance evaluation will not be discussed.
- 3.9 Appropriate resolutions may include, but are not limited to:
- 3.9.1 Change of score;
- 3.9.2 Edit of comments;
- 3.9.3 No changes or edits.



- 3.10 If CIMS is not available or if there is a conflict of interest with either party, an Equal Employment Officer (EEO) will be assigned to handle the appealed unsatisfactory performance evaluation.
- 3.11 A Performance Evaluation Form will be used to document any agreements made and it will be labeled Revised Performance Evaluation.
- 3.12 The Work Action Plan/Expectations form in the Performance Evaluation tool will be used to establish goals for the employee to improve their performance.
- 3.13 The resolution that is negotiated between the employee and their supervisor shall be the final decision with no further appeal of the process.

#### **4.0 PROCEDURES**

- 4.1 CIMS receives appeal from HR Manager or EEO Director.
- 4.2 CIMS requests copies of past evaluations from HRD Records.
- 4.3 CIMS requests copies of past disciplines from EEO.
- 4.4 CIMS reviews all supporting documentation and the written appeal.
- 4.5 CIMS sends certified emails or letters to the employee and Immediate Supervisor(s) to:
  - 4.5.1 Schedule meetings in a neutral location;
  - 4.5.2 Discuss the unsatisfactory performance evaluation;
  - 4.5.3 Discuss possible resolution for the unsatisfactory performance evaluation.
- 4.6 The meetings will be conducted in the following order:
  - 4.6.1 Individual meeting with employee.
  - 4.6.2 Individual meeting with supervisor.
  - 4.6.3 Meeting with both parties.
- 4.7 CIMS will work with the employee and the Immediate Supervisor(s) to complete the Revised Performance Evaluation and Work Action Plan/Expectations.
  - 4.7.1 Upon completion, the employee and Immediate Supervisor(s) will sign the documents.
- 4.8 CIMS will give a copy to each party; scan the Revised Performance Evaluation and Work Action Plan/Expectations into On-base.
- 4.9 CIMS will send scanned Revised Performance Evaluation and Work Action Plan/Expectations and send to Records Department to be inserted into the employee's personnel file.
- 4.10 The file is closed when:
  - 4.10.1 Final meeting has been conducted with employee and Immediate Supervisor(s).
  - 4.10.2 Neither parties respond to at least two attempts to meet, or
  - 4.10.3 The employee rescinds their appeal.
- 4.11 Unsatisfactory evaluations will result in probation status for the employee.
  - 4.11.1 The Immediate Supervisor(s) shall provide documentation to the Area Manager

and the employee detailing the deficiency(s).

4.11.2 A repeat evaluation will be conducted three (3) months after the unsatisfactory evaluation.

4.11.3 This second evaluation will result in the employee:

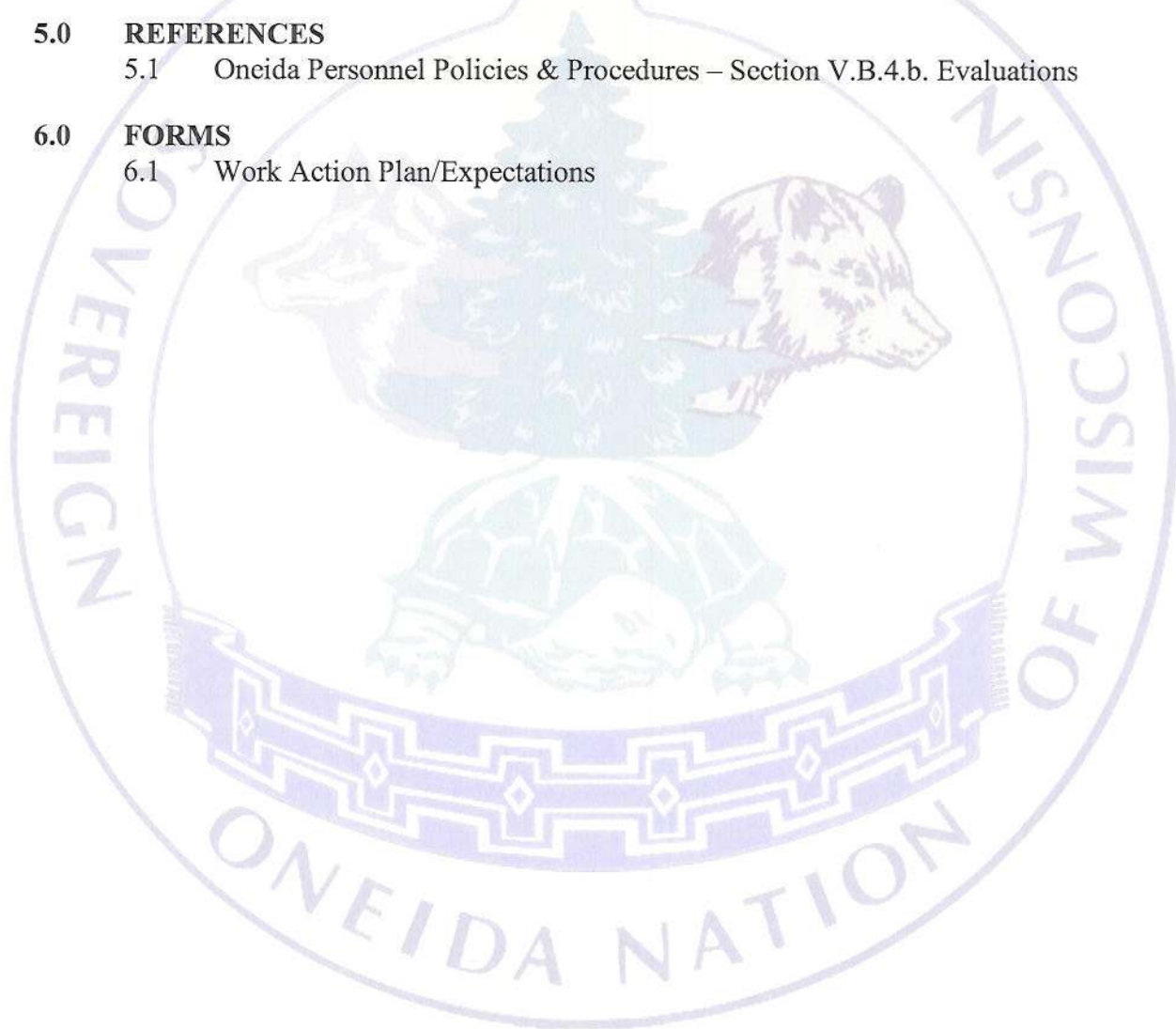
- 1) Being removed from probation if the second evaluation results in an overall satisfactory rating; or
- 2) Receiving appropriate disciplinary actions if the second evaluation also results in an unsatisfactory rating.

## **5.0 REFERENCES**

5.1 Oneida Personnel Policies & Procedures – Section V.B.4.b. Evaluations

## **6.0 FORMS**

6.1 Work Action Plan/Expectations





## WORK ACTION PLAN/EXPECTATIONS

Regardless of where you work in the Oneida Nation, what you do every minute is very important. Every day you may interact with a variety of people. In each contact and conversation, you become the face of the Oneida Nation. As a result, all employees will be held to high standards of conduct and must consider themselves a professional capable and willing to meet the needs and expectations of the department.

### A. Professional Conduct

1. Employees have a responsibility to know, understand and abide by all departmental SOPs, Oneida Tribe's personnel policies, laws, and ordinances.

### B. Time and Attendance Expectations

1. Punctual, regular and predictable attendance is expected and required according to your specific work schedule. Any deviations from this schedule must have written approval from your immediate supervisor before a different work schedule is permissible.
2. If you are not able to come into work or are going to be late, you must call your supervisor at least \_\_\_\_\_ minutes before your scheduled start time.
3. Overtime is not permitted, unless prior supervisory approval was received.

### C. Behavior Expectations

1. You must always be courteous, kind, respectful and professional when speaking with co-workers, managers/supervisors, customers, or other people.
2. Employees must refrain from any behaviors, actions, or language that could constitute workplace harassment/bullying. Any form of workplace harassment/bullying is unacceptable conduct. Violations should be reported to the direct supervisor immediately and the Oneida Nation's Complaint Process will be followed.

### D. Other Expectations:

If this box is checked, see next page for additional information and/or signatures. ☐

### ACKNOWLEDGEMENT

The signature of the employee on this form constitutes the employee's acknowledgement that they received, read, and understood these expectations.

**Violation of any of these Expectations, Oneida Personnel Policy and Procedures, Tribal Laws, Policies, Procedures, etc., may result in disciplinary action.**

Printed Name of Employee    Signature of Employee    Date  
Supervisor    Date

Printed Name of Supervisor    Signature of

