

**The University of Wisconsin System**  
**UPS OPERATIONAL POLICY: HR 13**



**SUBJECT:** Personnel Files

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**Original Issuance Date:** July 1, 2015  
**Last Revision Date:** January 1, 2019

**1. POLICY PURPOSE:**

The purpose of this policy is to provide guidance regarding information that must be included in each employee's personnel file; to outline the requirements on when personnel files must be shared with other state employers; and to provide references to the policies that govern the retention and disposition of personnel records.

**2. POLICY BACKGROUND:**

[Wis. Stat. § 36.115](#) requires the Board and the UW-Madison chancellor to establish and maintain personnel systems separate and distinct from Wisconsin's civil service system as established under [Chapter 230 of the Wisconsin Statutes](#). After the Board of Regents adopted Resolution 11038 (adopted June 7, 2018) for all UW institutions regarding employee personnel files and reference checks, this policy was modified to address concerns related to sexual violence and sexual harassment.

**3. POLICY DEFINITIONS:**

Please see UPS Operational Policy [GEN 0: General Terms and Definitions](#) and [Regent Policy Document 14-2: Sexual Violence and Sexual Harassment](#) for a list of general terms and definitions.

**Definitions specific to this policy:**

"Employee" means any individual who holds a faculty, academic staff, university staff, or limited appointment with any UW System institution.

"Final personnel decisions" means personnel decisions that relate to any employee that include, but are not limited to, dismissal, demotion, suspension, written reprimands, notice of non-renewal, layoff or end of appointment, other disciplinary actions, and violations of the UW System institution's sexual violence and sexual harassment policy. A personnel decision is not a final personnel decision until all applicable administrative appeals are concluded.

"Negotiated resolution" means, at the discretion of the UW System institution, an agreement between parties without the need for a full investigation or findings.

“Settlement agreement” means a contractual agreement in writing between parties to actual or potential litigation by which each party agrees to a resolution of the underlying dispute. All settlement agreements for personnel matters must at a minimum be reviewed by the applicable legal counsel and approved by the UW System institution’s Chancellor, President or their designee. A non-disclosure or confidentiality agreement must not be included as a term in any settlement agreement that resolves a sexual violence or sexual harassment allegation. Non-written settlement agreements are prohibited.

“State agency” means a department or independent agency as defined under Wis. Stat. [§ 15.01\(5\)](#) and [§ 15.01\(9\)](#).

“UW System institution” means any of the following: UW-Eau Claire; UW-Green Bay; UW-La Crosse; UW-Milwaukee; UW-Oshkosh; UW-Parkside; UW-Platteville; UW-River Falls; UW-Stevens Point; UW-Stout; UW-Superior; UW-Whitewater; UW-System Administration.

#### 4. **POLICY:**

##### **A. Contents of the Personnel File**

Every employee’s personnel file must, at a minimum, contain the following employment records if they exist:

- a) Letters of application
- b) Research proposal (at hire, if required)
- c) Resume or curriculum vitae (CV)
- d) Letters of offer, appointment, reappointment, assignment, or promotion
- e) Letters of acceptance of employment, tenure, or indefinite appointment
- f) Letters of resignation or retirement
- g) Position description
- h) Title change records
- i) Employment contracts
- j) [Interchange agreements](#)
- k) Personnel action forms (PAF)
- l) Pay-related actions, such as base rate or title change requests and actions or other actions affecting employee's pay status
- m) Awards, grants, or notifications of named professorships
- n) Emeritus, annuitant, distinguished service, or other recognition
- o) Decisions on leave of absence requests (but do not include any protected health information)
- p) Faculty sabbatical leave
- q) Performance reviews or evaluations including evaluations during probationary periods, but excluding student evaluations
- r) Records that relate to final personnel decisions

- s) Any relevant negotiated resolutions or settlement agreements or reference to those records identifying and describing the resolution or agreement and where the resolution or agreement can be found
- t) Notices of active investigation or administrative appeal
  1. The notice serves as a placeholder until the investigation or administrative appeal is completed
  2. Upon conclusion of the investigation or administrative appeal:
    - i. If the employee is found not to have violated the policy, the notice must be removed from the personnel file
    - ii. If the employee is found to have violated the policy, documentation of the final determination and notice of finding of the investigation must be included in the personnel file
- u) Personnel files received from other institutions

## **B. Maintenance of Personnel Files**

Personnel files must be maintained by the UW System institution's human resources department.

The items described in 4.A. must be added to the personnel file whenever created and cannot be removed from the personnel file except in extraordinary circumstances, and then only upon the review and approval of the UW System institution's human resources department, the Chancellor or their designee, and the applicable legal counsel. The only exception is item 4.A.t., which is removed upon conclusion of the investigation as detailed in 4.A.t.2. Any records removed would still need to be maintained pursuant to the applicable [General Records Schedule](#) absent any authority to destroy them. Documents described in 4.A.r. regarding violations of the UW System institution's sexual violence and sexual harassment policy cannot be removed from the personnel file. The items described in 4.D. should be maintained outside of the personnel file.

All employment records, including electronic records, must be appropriately maintained in a secure and confidential manner.

## **C. Supervisor's Working Files**

The personnel file must include the employment records identified in Section 4.A. of this policy. However, selected duplicate or working copies of those records may be maintained for convenience or reference purposes by supervisors. These files may contain information that the supervisor believes is helpful or necessary to manage workload and employees.

Supervisor's working files should be secure and confidential. Supervisors should be aware that if they share this information with any other person the material may become subject to public records law requests. Supervisors may also maintain personal supervisor notes in a working file, which are not considered to be a personnel record if they are prepared by the supervisor for their own use and are not shared with anyone else. These notes may be protected from disclosure under the public records law. But, in the event of a lawsuit, applicable discovery rules apply to the disclosure of documents. Many documents that would be confidential under the public records law must be released in discovery.

## **D. Maintaining Files Outside of the Personnel File and Supervisor's Working File**

Certain employment records should not be placed or maintained in an employee's personnel file or in a supervisor's working file. The following records are examples of records that should be maintained in secure, confidential, and separate files outside of the personnel or supervisor's working file with limited or restricted access.

- Investigative materials excluding the documents described in 4.t.
- Medical information relating to the employee from any source including but is not limited to:
  - Employee medical leave requests and forms
  - FMLA/WFMLA approval letters
  - Leave options letters (when they contain medical information)
  - Medical certifications and supporting medical documentation that explain the need for leave, accommodations, or absences
- Employee benefits applications or related materials
- Income Continuation Insurance (ICI) records
- Insurance forms – health, dental, vision, etc.
- Tax Sheltered Annuity (TSA) salary reduction agreements
- Tuition reimbursement requests
- Vacation carryover requests
- W-4 forms
- Letters of reference accepted under assurances or with the expectation of confidentiality

#### **E. Redaction of Sensitive Personally Identifiable Information (PII)**

Personally identifiable information (PII) is any data that could potentially identify a specific individual. There are two types of PII: sensitive and non-sensitive. Non-sensitive PII is publicly available and easily accessible information that can be gathered from a variety of sources (e.g., public records, phone books, publicly accessible websites). Sensitive PII is information which, if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual. Sensitive PII includes information such as unique identifiers, financial information, and medical information.

Sensitive PII should not be included in the personnel file. When adding documents to the personnel file, the following information **must be redacted**:

- Social security numbers
- Employer and tax identification numbers
- Financial account numbers (bank accounts, credit cards, passwords, and PINs)
- Driver license and state identification numbers
- Passport numbers
- Other data protected from disclosure by law, contract, or University policy

Additionally, when sending a personnel file to another UW System institution or a state agency, the personnel file must be reviewed and any sensitive PII redacted before the personnel file is shared.

## **F. Sharing Personnel Files**

Hiring UW System institutions must request the personnel file of any current or former UW System institution, UW-Madison, or other state agency employee upon hire. Upon request of the hiring UW System institution, UW-Madison, or other state agency, UW System institutions must share a copy of the complete personnel file of any current or former UW System institution employee upon hire. The original personnel file must be maintained according to the applicable [General Records Schedule](#).

## **G. Access to Personnel Records**

[Wis. Stat. § 103.13](#) grants employees the right to inspect certain records in their personnel files. If an employee disagrees with information contained in a personnel file, a correction or removal of the information may be mutually agreed upon. If such an agreement cannot be reached, the employee may submit a written statement explaining their position, which must be included in the personnel file.

Please reference [Wis. Stat. § 103.13\(6\)](#) for employment records not subject to inspection by an employee or an employee's representative.

## **H. Retention of Personnel Records**

The [University of Wisconsin System & UW Madison General Records Schedule, Human Resources and Related Records](#) governs the retention and disposition of the personnel records for all UW System institution employees (see UWHR0400-UWHR0404 for personnel files). Under the General Records Schedule – and under Wisconsin law – a UW System institution may not destroy any records that it generates or receives, including employment records, unless destruction of the record is consistent with the General Records Schedule.

Retention periods for official personnel files begin at final separation from UW System institution employment, but emeritus status does not constitute separation for this purpose. Following the appropriate retention periods, employment records may be destroyed in accordance with the applicable UW System institution policies.

### **5. RELATED DOCUMENTS:**

[University of Wisconsin System and UW Madison General Records Schedule – Human Resources and Related Records](#)  
[Regent Policy Document 14-2: Sexual Violence and Sexual Harassment](#)  
[Wis. Stat. § 103.13, Records open to employee](#)

### **6. POLICY HISTORY:**

Rev. 1/1/2019