

The University of Wisconsin System
UPS OPERATIONAL POLICY: HR 13



SUBJECT: Personnel Files

Original Issuance Date: July 1, 2015

Last Revision Date: [to be added]

1. POLICY PURPOSE:

The purpose of this policy is to provide guidance regarding information that ~~should~~**must** be included in each employee's **official** personnel file; to outline the requirements on when personnel files must be shared with other UW System institutions and State agencies; and to provide references to the policies that govern the retention and disposition of personnel records.

2. POLICY BACKGROUND:

~~The Office of State Employment Relations' Administrator was the official custodian of the files containing personnel transaction documents (personnel files) for all classified employees in authorized positions. Pursuant to Wis. Stat. § 36.115 requires s. 230.05 and s. 19.21, Wis. Stats, OSER delegated to the state agencies the responsibility for the generation, maintenance, accuracy and confidentiality of a centralized official personnel file system for all personnel transaction documents concerning classified employees occupying authorized positions (except LTE) in their agency.~~

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 for~~ 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 applicable UW System institution's Chancellor or 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. s. 15.01(5) and (9).

"UW System institution" means any of the following: UW-Eau Claire; UW-Green Bay; UW-La Crosse; UW-Madison; 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:**

~~The UW System Faculty and Academic Staff (Unclassified Staff) and Limited Appointments General Retention Schedule governs the retention and disposition of records relating to unclassified UW System employees, including faculty and academic staff, graduate student employees (including research assistants, project assistants, and teaching assistants), volunteers, and employees in training.~~

A. Contents of the Personnel File

Every employee's personnel file ~~should~~must contain but is not limited to the following:
employment records:

- a) Letters of application
- b) Research proposal (at hire, if required)
- c) Resume or curriculum vitae (CV)
- d) Letters of recommendation, reference or commendation
- e) Letter(s) of offer, appointment, reappointment, assignment or promotion
- f) Letter of acceptance of employment, tenure, or indefinite appointment
- g) Position description
- h) Reclassification or reallocation records
- i) Employment contracts
- j) Interchange agreements

- k) Personnel action forms
- l) Pay-related actions, such as base rate or title change requests and actions or other actions affecting employee's pay status
- m) Equity and performance awards
- n) Requests for/decisions on leaves of absence
- o) Faculty sabbatical leave
- p) Staff awards
- q) Emeritus or distinguished service recognition
- r) Performance reviews or evaluations including evaluations during probationary periods, but excluding student evaluations
- s) Awards or grants; notifications of named professorships
 - ~~a) training records~~
 - ~~b) grievances and disciplinary actions~~
 - ~~c) arbitration records~~
 - t) Records that relate to final personnel decisions
 - u) Any relevant negotiated resolution or settlement agreement(s) or reference to those records identifying and describing the resolution or agreement and where the resolution or agreement can be found if not in the personnel file
 - v) Documentation of active investigations or administrative appeals during which the employee resigns, or otherwise leaves service
 - 1. Upon conclusion of the investigation or administrative appeal, if the employee is found not to have violated the policy, documentation of the investigation must be removed from the personnel file
 - 2. Upon conclusion of the investigation or administrative appeal, if the employee is found to have violated the policy, documentation of the conclusion of the investigation must be included in the personnel file
- ~~t)w) Letters of resignation or retirement~~
- ~~u) non-renewal of appointment (for academic staff)~~

~~For those institutions using electronic applicant tracking systems (ATS), some original documents normally found in the Personnel File, may be generated by and reside in the ATS system; updated versions will be in the personnel file. It is important to maintain all documentation in the personnel file related to an employee's previous classified positions/titles.~~

~~d) —~~

~~D. —~~

E.B. Maintenance of Personnel Files

UW System institution's personnel files must be maintained by that UW System institution's human resources department.

All employment records, including electronic records, must be appropriately maintained securely and confidentially.

Not all employment records should be maintained in an employee's personnel file. The following records are examples of documents excluded from the personnel file that are generally maintained in secure and separate files that are identified as confidential.

- Medical information relating to the employee from any source, including medical documentation supporting a disability accommodation request or FMLA leave
- Letters of reference provided under assurances or with the expectation of confidentiality
- Investigative materials excluding the documents described in 4.A.t and u.

UW System institutions must maintain a personnel file, but that requirement does not prohibit supervisors from maintaining a confidential, local working file, containing copies of pertinent personnel-related records that the supervisor utilizes on an operational basis. The supervisor may also maintain personal notes in the working file, which are not considered to be a personnel record so long as they are prepared by the supervisor for their own use and are not shared with anyone else.

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. 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.t. regarding violations of the UW System institution's sexual violence and sexual harassment policy included in the personnel file cannot be removed.

C. Sharing Personnel Files

Hiring UW System institutions must request the personnel file of any current or former UW System institution or State agency employee upon hire. Upon request of the hiring UW System institution or 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 should be maintained according to the applicable General Records Schedule.

D. 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 his or her 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.

E. 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. 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

6. POLICY HISTORY:

Wisconsin Human Resource Handbook Chapter 180-Classified Employee Personnel Records
[to be added]