

Functional Owner	Office of Human Resources (OHR)
Executive Sponsor	Vice Chancellor for Finance and Administration (VCFA)
Policy Contact	OHR/Workforce Relations (WR)

Policy Summary

The University of Wisconsin-Madison maintains personnel information in order to have a complete, accurate, and current record of an employee's job history at the University. A number of state and federal laws also require the maintenance of certain personnel records. This policy identifies the records that are required to be included in employee personnel files, explains who is responsible for maintaining the personnel records and how those records should be maintained, provides examples of records that are not part of the personnel file, addresses different types of personnel files, explains when employee personnel files must be shared with other UW-System institutions and State agencies, discusses employee access to personnel files, and reminds record custodians of their record retention obligations pursuant to the applicable record retention schedules.

Who This Policy Applies To

This policy applies to faculty, limited appointees, academic staff and university staff employees and others who have access to and control over employee personnel files and records; and employees who are authorized to access employee personnel files and share information about the contents thereof.

Rationale

To adequately document and ensure consistency of employee personnel records, UW-Madison has created this comprehensive Personnel File (P-file) policy. Further, in June of 2018, the UW System Board of Regents issued a Resolution requiring UW System Institutions to develop or modify certain human resource policies to address sexual harassment allegations and investigations including documentation in employee P-files.

Policy Detail

A. Contents of the Personnel File

Below, find a list of records required to be included in an employee's personnel file. Note, due to employee category (e.g., faculty, academic staff, university staff, limited), not every employee will have all of the same records in their personnel file. If the record listed below for the employee exists, the original or copy of the original record must reside in the employee's personnel file. Generally, documents should be shared with the employee before being included in the personnel file.

1. Appointment Fiscal Year Report
2. Appointment letter
3. Approval for indefinite status
4. Awards or Grants; Notification of Named Professorship
5. Base rate/job code change notice
6. Change in Duties Memo
7. Curriculum Vitae (CV)/Resume
8. Distinguished Service Recognition
9. Documentation of investigatory outcomes for current or former employees, or active investigation documentation or administrative appeals during which the employee resigns, or otherwise leaves service
 - a. Upon conclusion of the investigation or administrative appeal, if the current or former employee is found not to have violated the policy, documentation of the investigation must be removed from the personnel file
 - b. Upon conclusion of the investigation or administrative appeal, if a current or former employee is found to have violated the policy, documentation of the investigatory outcome must be included in the personnel file
10. Emeritus Status Requests and Approvals
11. Employment Contract(s)
12. Faculty Activities Report and Packets for Recommendation for Indefinite Status
13. FLSA Memo or Documents
14. Final Personnel Decisions
 - a. Records and/or Supporting Documentation
15. Disciplinary Documents
16. FTE Change Request
17. Job Security Change Letter
18. Interchange Agreement(s)
19. Layoff Information
20. Leave of Absence-Unpaid, Requests and Approvals (Do not include any FMLA or ADA information in the personnel file)
21. Letters of Acceptance of Employment, Tenure, and/or Indefinite Appointment
22. Letters of Application
23. Letters of Expectation
24. Letters of Offer, Appointment, Reappointment, Assignment, and/or Promotion
25. Letter of Non-Renewal
26. Letters of Recommendation, Reference, Commendation
27. Letters of Resignation or Retirement
28. Negotiated Resolution(s)
 - a. A reference to any relevant negotiated resolution or settlement agreement(s) identifying the resolution or agreement and indicating "Agreement retained by Office of Legal Affairs"

29. Operational Area Clarification Memo/Reassignment
30. Outside Activities Report
31. Overload Request
32. Pay Plan Information
 - a. Increase Notification Letter
 - b. No Pay Plan Notification
 - c. Other Letters/Notices of or Relating to Pay Plan
33. Pay Related Actions (includes, but not limited to: base rate change, title change, title change requests and actions, and/or other actions affecting employee's pay)
34. Performance Reviews, Evaluations and Applicable Attachments (if any)
 - a. Probation and/or Evaluation Period Performance Reviews
 - b. Do not include Student Evaluations
35. Personnel Action Form(s)
36. Personnel Transfer Record(s)
37. Policy Acknowledgments
38. Position Audit Memo from CHR
39. Position Description (PD)
40. Position Vacancy Listing (PVL)
41. Professional Development Certifications and Awards
42. Promotional Approval
- ~~43. Protection of Sensitive Information~~
44. PVL Waiver Request
45. Reallocation Records
46. Reclassification Information
 - a. Analysis Form
 - b. Approval Letter
 - c. Request
47. Relocation/Moving Expenses Information
48. Research Proposal (At hire, if required)
49. Resignation
 - a. Acceptance
 - b. Notice
 - c. Termination packet
50. Resume
51. Sabbatical Information
 - a. Approval
 - b. Funding Information Regarding Payment Over 65%
 - c. Payment Information
 - d. Request
52. Schedule Change

- 53. Staff Award(s)
- 54. Strategic Hire Initiative
 - a. Approval
 - b. Request
- 55. Supervisor Change
- 56. Telecommuting Agreement
- 57. Temporary Employee Acknowledgment Form
- 58. Tenure Extension
 - a. Approval
 - b. Request
 - c. Supporting Documents
- ~~59. Tuition Reimbursement~~
 - ~~a. Approval~~
 - ~~b. Request~~
- 60. Vehicle Use Agreement/Driver Authorization or No-Drive

B. Creation and Maintenance of Personnel Files

UW-Madison employee personnel files shall be created and/or maintained for all UW-Madison employees, including, any individual who holds a faculty, academic staff, university staff, or limited appointment with the University.

UW-Madison employee personnel files shall be maintained by the UW-Madison School/College/Division human resources department or office where the employee works or its appropriate designee. This personnel file, in conjunction with information found in the University's electronic Human Resources System (HRS), is the official personnel file.

All personnel and employment records, including any electronic and/or paper records, shall be maintained to ensure the security and confidentiality of the records in a filing system that meets applicable record retention schedule requirements and best practices. The campus uses an electronic personnel file system¹.

Certain items described in Section A. 9. (a-b) of this policy must be added to the personnel file whenever created. Items in A. 9. (a) shall be removed upon conclusion of the investigation or administrative appeal, if the current or former employee is found not to have violated the policy. Any records removed still need to be maintained pursuant to the applicable General Records Schedule absent any authority to destroy them. Documents described in Section A. 9. (a-b) of this policy regarding violations of the UW Madison sexual violence and sexual harassment policy included in the personnel file cannot be removed except in extraordinary circumstances, and then only upon the review and approval of the UW Madison Office of Human Resources, the Chancellor or their designee, and the applicable legal counsel.

¹ UW-Madison is currently in the process of digitizing many personnel files.

C. Official, Duplicate, Shadow, Working and Supervisor Files

The official personnel file or record is the most complete and up-to-date version that will include the records identified in Section A of this policy, whether in electronic and/or paper format, and any related employee information found in the University's electronic Human Resources System (HRS).

Duplicate or working copies of records described in this policy may be maintained for convenience and/or reference purposes by individuals who have access to and control over personnel file records or their designee(s) for necessary operational purposes. Copies may be retained for as long as needed, but they should not be kept longer than the Records Disposition Authorization ("RDA") for the official copy of record as specified in the applicable record retention schedule. Do not maintain unnecessary duplicate copies. Do not send copies to storage or retain them for longer than the retention periods specified for the official copy.

If any unique material is present in a file, it is no longer a duplicate or shadow file, but represents another original record and must be maintained for the same period of time as the original record. If a duplicate or shadow file or record exists, dispose of the file or record in accordance with the applicable record retention record schedule and official record series.

Supervisors may maintain their own employee files (working and/or supervisor files) with information they believe is helpful or necessary to manage workload and employees for personnel-related operational purposes. Any supervisor files should be maintained securely and confidentially. Supervisors should be aware that if they share this information with any other person, the material may become subject to Open Records Law requests. While subunits within an employing unit may also wish to retain files of duplicates of personnel records for ease of access, this is not encouraged. If convenience copies are retained, appropriate access to these copies must be provided in response to audit or legal request and per Open Records Law. The supervisor may also maintain personal supervisor notes in the supervisor 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. While these notes may be protected outside of the personnel record from regular disclosure requirements under Open Records Laws, these notes may still be subject to disclosure at some future point as a result of a future claim, charge, complaint, and/or legal process.

D. Sharing Personnel Files

UW-Madison, 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-Madison must share a copy of the complete personnel file of any current or former UW-Madison employee upon hire. The original personnel file should be maintained according to the applicable Records Schedule.

E. Access to Personnel Records

Many records in the personnel file may be confidential, may contain Personally Identifiable Information (PII) and/or may be records that are subject to Wis. Stat. § 19.36(10). Some personnel-related records are confidential, such as employee medical records, examination scores and rankings and other evaluation of applicants, dismissals, demotions, and other disciplinary actions, and certain pay survey data identified as confidential in Wis. Stats §230.13.

UW-Madison employees have the right to inspect, upon request, any personnel documents which are used or which have been used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination, or other disciplinary action, and medical records, save for exceptions identified in the statute. Please reference Wis. Stat. § 103.13(5-6) for records that may not be subject to inspection by an employee or an employee's representative.

If an employee disagrees with any information contained in the personnel records, a removal or correction of that information may be mutually agreed upon by the employer and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position. The employer shall attach the employee's statement to the disputed portion of the personnel record. The employee's statement shall be included whenever that disputed portion of the personnel record is released to a 3rd party as long as the disputed record is a part of the file.

F. 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, including UW-Madison. 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 employment, but emeritus status does not constitute separation for this purpose. Following the appropriate retention periods, employment records, including personnel file records, may be destroyed in accordance with the applicable record retention schedule and best practices related to record disposition and disposal. Note, records may not be destroyed where required to be retained by law or policy including, but not limited to, a pending public records request, lawsuit, audit, or legal hold.

Consequences for Non-Compliance

Violations of this policy may result in corrective action ranging from training up to and/or including dismissal.

Supporting Tools

Process/Procedure for Sharing Personnel Files with UW-System Institutions and State Agencies
(add link when information become available)

[UW-Madison Electronic Pfile Imaging](#)

[The University of Wisconsin System & UW Madison General Records Schedule, Human Resources and Related Records](#)

[The University of Wisconsin System Payroll and Benefit General Records Schedule](#)

[University General Record Schedules-Campus Wide and System Wide](#)

[University Record Disposition and Disposal of University Records](#)

[UW-Madison Record Management Program](#)

[Organizing University Records for Departments and Units -File Plans / Electronic Files](#)

Definitions

Employee: means any individual who holds a faculty, academic staff, university staff, or limited appointment with any UW System institution, but does not include student hourly employees.

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 UW-Madison'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-Madison, 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-Madison Chancellor or 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

Responsibilities

Link to Current Policy

Add link when it becomes available

Link to Related Policies

****Add links when they become available**

June 7, 2018 UW-System Board of Regent Resolution 11038: (add link when available)

The University of Wisconsin System UPS Operational Policy: HR 13 (add link to new policy when available)

[UW-Madison's Recruitment, Assessment, and Selection of Academic, Faculty, Limited, and University Staff Employees Policy](#) (add link to new policy when available-the link here is to the old policy)

[UW-Madison HR Glossary](#)

[UW-Madison Policy on Sexual Harassment and Sexual Violence](#)

Wis. Stat. § 16.61(2): When retained for “convenience of reference only,” copies are considered non-records.

Link to Policy History

[UW-Madison Unclassified Personnel File Policy](#)

[UW-Madison Faculty Policies and Procedures Personnel Files](#)

[UW-Madison Academic Staff Policies and Procedures-the Personnel File](#)

[UW-Madison Classified/University Staff Personnel File Policy](#)

Appendix:

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

- Medical information relating to the employee from any source, including medical documentation supporting a disability accommodation request or FMLA leave. This includes, but is not limited to employee medical leave requests/forms, FMLA/WFMLA approval letters, leave options letters (when medical is involved), medical certifications and/or supporting medical documentation that explains the need for leave, accommodations and/or absences. Follow campus Divisional Disability Representative best practices and guidance for any and all employee related medical records.
- Accidental Death
- Benefits 101 Enrollment Deadline Worksheet
- Employee Leave Report
- Compensation Time Payouts
- Direct Deposit
- Drug test results
- Safety data
- Employee Benefits Checklist
- Income Continuation Insurance
- Insurance Forms- Health, Dental, Vision etc.
- Other employee benefits information
- Ride Share Forms
- Salary Deferral
- Tax Sheltered Annuity (TSA)
- Tuition Reimbursement Request
- Vacation carryover request
- University Staff Annual Leave Conversion Form
- Vanpool Payroll Deduction
- W-4 forms
- Letters of reference provided under assurances or with the expectation of confidentiality.
- Investigative materials excluding the documents described in this policy, Section A. 9. (a-b)