



PERSONNEL FILE POLICY

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Authority: Wis. Stat. §103.13 (Records open to employee)
Wis. Stat. §16.61(Records of State offices and other public records)
Wis. Stat. Chapter 19, Subchapter II (Public records and property)
UWM SAAP No. 6 (Archives Policy)
UWSA UPS Operational Policy HR 13 Personnel Files

Initiator: Vice Chancellor for Finance and Administrative Affairs

Responsible Party: Associate Vice Chancellor and Director, UWM Department of Human Resources

I. PURPOSE

UWM maintains many records relating to an individual's employment with the institution. This Policy provides guidelines for where the official personnel file is to be maintained, what documents must be kept in the official personnel file, and how personnel records may be accessed.

II. LOCATION OF THE OFFICIAL PERSONNEL FILE

The official personnel file is an individual's formal employment record with UWM. The official personnel file serves as the historical record of information pertaining to an employee, from the date of hire to separation.

- A. For University Staff, Limited Appointment, Academic Staff and Faculty employees. The official personnel file is maintained by the Dean of the School/College or Division Head of the Division in which the appointment is held, or by the primary department in the case of multiple appointments. The Dean/Division Head may delegate this responsibility to the Divisional Human Resources Representative.
- B. For student employees, including graduate assistants. The official personnel file is maintained by the employing Department or Center.

Other departments or committees may maintain personnel-related records including, for example, the Department of Human Resources and various governance committees. Similarly, certain individuals may retain copies of documents typically found in the official personnel file. For example, although a supervisor may not maintain the official personnel file, the supervisor may keep a confidential, local working file containing copies of pertinent personnel-related records that she/she 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 his or her own use and are not shared with anyone else.

III. CONTENTS OF THE OFFICIAL PERSONNEL FILE

- A. Include. The following records, if they exist, should be INCLUDED in an employee's official personnel file:
- Employment application and any accompanying documents, including the vita/résumé, writing samples, transcripts, and reference letters (except as described in section III(B) below)
 - Offer and/or appointment letters, or any other employment contracts
 - Acceptance letters
 - HRS forms
 - Base rate or title change requests or other actions affecting the employee's pay status, including equity adjustments or performance awards
 - Awards including staff awards, emeritus appointment designations, and distinguished service awards
 - Notification of named professorships
 - Apprenticeship or training agreements
 - Position description
 - Supervisor performance reviews and self-evaluations
 - Disciplinary letters and grievance actions
 - Correspondence relating to reappointment, reclassification, reallocation, promotion, reduction, lateral movement and/or other change in appointment status
 - Notification of salary changes and title changes
 - Resignation or retirement letters
 - Nonrenewal letters
 - Leave of absence requests and responses (excluding medical documentation)
 - Training records
 - Other information that relates to the employee's performance of their duties for UWM
 - If an employee disagrees with any information contained in any of the above items, a written statement that the employee has asked to be appended to such item explaining the employee's position.

- B. Exclude. Some personnel records are EXCLUDED from the official personnel file by operation of law, regulation, or policy. Such records must be maintained in a separate file, secured and marked confidential. Among these are the following:
- Letters of reference provided under assurances or with the expectation of confidentiality
 - Medical information relating to the employee from any source, including the employee, and including medical documentation supporting a disability accommodation request. Medical information may be revealed only in very limited circumstances, such as to safety and first aid workers if necessary to treat the employee, to public safety officials to protect the employee or others from a serious and imminent threat to health or safety, or to the employee's supervisor if the employee's disability requires restricted duties or a reasonable accommodation.

IV. ACCESS TO PERSONNEL RECORDS

In all cases, irrespective of whether they must be housed in the official personnel file, all personnel-related records must be maintained confidentially in a secure location. Access to personnel records may be granted as follows:

- A. By the Employee. An employee, or his/her designated representative, has the right to inspect the employee's own official personnel file and the right to copy any portion of those records, subject to specific limitations discussed in section V below. A request to inspect personnel records may be made orally or in writing to the appropriate UWM office described in section II above. For example, if an employee wishes to view his/her official personnel file, he or she should make a request to the School/College or Division in which the primary appointment is held. Access to an employee's official personnel file shall be provided as soon as possible, and the parties should arrange for a mutually satisfactory time. Under no circumstances shall managers of the official personnel file take longer than seven working days from the time of the request to fulfill that request. The file may be inspected only under the supervision of the manager of the file or his/her designee. Employees may not take or alter any document but may request that copies of existing documents.

If an employee disagrees with any information in the file, the parties may mutually agree upon a removal or correction of that information. If such a mutual agreement cannot be reached, the employee has a right to append a personal statement to the disputed portion of such document explaining the employee's position.

- B. By Other UWM Employees. Personnel records are considered confidential, and access will be granted only to other employees who have a job-related need to

know the information. As such, access by other employees should be limited to circumstances in which the information sought is essential to a legitimate University purpose.

- C. By Third Parties. UWM may be required by law to disclose certain personnel records, for example, in response to a subpoena or an audit by a governmental agency. Also, because UWM is a public institution, personnel records are considered “records” under Wisconsin’s Public Records law (Wis. Stat. Chapter 19, Subchapter II), and thus, may be available to the public upon request. If any member of the public requests a personnel-related document(s), such request must be forwarded to UWM’s Public Records Custodian, who will determine whether the document(s) are releasable per Wisconsin’s Public Records law.

V. PERSONNEL RECORDS NOT SUBJECT TO INSPECTION BY THE EMPLOYEE

Under Wis. Stat. §103.13(6), certain personnel records are not subject to inspection by the employee or his/her representative. These records include the following:

- Records relating to the investigation of possible criminal offenses committed by the employee
- Letters of reference
- Any portion of a test document (except that the employee has the right to see a cumulative total test score for either a section of the test document or for the entire test document)
- Materials used by the employer for staff management planning
- Information of a personal nature about a person other than the employee if disclosure of the information would constitute an unwarranted invasion of the other person's privacy
- Records relevant to any other pending claim between the employer and the employee which may be discovered in a judicial proceeding.
- A supervisor’s personal notes, so long as they are prepared by the supervisor for his or her own use and are not shared with anyone else.

VI. RETENTION OF PERSONNEL RECORDS

As a State agency, UWM may not destroy any records that it generates or receives, including personnel records, unless the record is scheduled under a Record Retention and Disposition Authority (RRDA) approved by the Wisconsin Public Records Board. Retention periods for personnel records may vary according to employee classification. Employees are advised to check the most current RRDA, which are available on the UW System Administration records management website, to determine the applicable retention period for any given personnel record.

Retention periods for official personnel files begin at final separation from university employment (emeritus status does not constitute separation for this purpose). Following the listed retention periods, the manager(s) of the official personnel file shall confidentially destroy the file if it relates to a university staff employee or an academic staff employee, or forward the file to UWM Archives for permanent retention if it relates to a faculty member or retired academic staff employee. The University Archivist has the authority to weed any files so transferred to the UWM's Archives.

Requests for access to personnel files maintained by the UWM Archives shall be filed through UWM's Public Records Custodian, who will coordinate between the original employing school or division and the UWM Archives for access permissions per Sections IV and V, above.

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