



PERSONNEL FILE POLICY

No.: SAAP 13-3

Date: Nov 2023

May 2019

April 2017

July 1, 2015

March 16, 2011

October 1996

Original September 1983

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. 13-1 (Archives Policy)
UWS ~~Administrative-UPS Operational~~ Policy 1261HR-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, when personnel files must be shared with other UW System institutions and State agencies, and how personnel records may be accessed.

II. DEFINITIONS

- A. **Employee.** Any individual who holds a faculty, academic staff, university staff, or limited appointment with any UW System institution.
- B. **Final Personnel Decisions.** 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 UWM’s sexual violence and sexual harassment policy. A personnel decision is not a final personnel decision until all applicable administrative appeals are concluded.
- C. **Negotiated resolution.** At the discretion of the UW System institution, an agreement between parties without the need for a full investigation or findings.
- D. **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 UWM’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.

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

III. CONTENTS OF THE OFFICIAL PERSONNEL FILE

- A. **Include.** The following records, if they exist, must be INCLUDED in an employee's official personnel file:
1. Employment application and any accompanying documents, including the vita/résumé, writing samples, transcripts, research proposal (if applicable) and reference letters (except as described in section III(B) below)
 2. Offer and/or appointment letters, [including reappointment, assignment, and promotion letters](#)
 3. Employment contracts
 4. Acceptance letters, or letters accepting tenure or indefinite appointment
 5. HRS forms (i.e., personnel action related forms for employment/payroll purposes)
 6. Base rate or title change requests or other actions affecting the employee's pay status, including equity adjustments or performance awards
 7. Awards including staff awards, emeritus appointment designations, and distinguished service awards
 8. Notification of named professorships
 9. Apprenticeship or training agreements
 10. Position description
 11. Supervisor performance reviews and self-evaluations
 12. Disciplinary letters and grievance actions
 13. Correspondence relating to reappointment, reclassification, reallocation, promotion, reduction, lateral movement and/or other change in appointment status
 14. Notification of salary changes and title changes
 15. Resignation or retirement letters
 16. Nonrenewal letters
 17. Leave of absence requests and responses (excluding medical documentation), including Faculty Sabbatical leave
 18. Training records
 19. Interchange Agreements [\(see UWSA UPS Operational Policy GEN 18\)](#)
 20. Records that relate to final personnel decisions
 21. 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
 22. Notices of active investigation or administrative appeal
 - a) The notice serves as a placeholder until the investigation or administrative appeal process is completed
 - b) Upon conclusion of the investigation or administrative appeal:
 - i. If the employee is found not to have violated the policy, the

Commented [JBH1]: I added this just to mirror the System policy a little more.

Commented [KCH2]: UWS Admin Policy 1236 (Formerly UWSA UPS GEN 18 was rescinded on 01/12/2021). Retain reference?

Commented [JBH3R2]: It's still in the System Personnel policy even though the related policy was rescinded, so I'm inclined to leave in the reference to Interchange Agreements generally but remove the parenthetical referencing GEN 18.

- ii. 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

- 23. Personnel files received from other institutions
- 24. Employee statements of disagreement regarding information contained in the personnel file
- 25. Other information that relates to the employee's performance of their duties for UWM

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:

- 1. Letters of reference provided under assurances or with the expectation of confidentiality
- 2. Investigative materials excluding the documents described in III(A)(22)
- ~~3.~~ 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. Records containing medical information may include employee medical leave requests and forms, FMLA/WFMLA approval letters, leave options letters, medical certifications and supporting medical documentation that explain the need for leave, accommodations, or absences.
- ~~3.~~
- ~~4.~~ Employee benefits applications or related materials
- ~~4.~~
- 5. Income Continuation Insurance (ICI) records
- 6. Insurance forms – health, dental, vision, etc.
- 7. Tax Sheltered Annuity (TSA) salary reduction agreements
- 8. Tuition reimbursement requests
- 9. Vacation carryover requests
- 10. W-4 forms

Commented [JBH4]: Added to mirror System policy language a bit more.

IV. MAINTENANCE/LOCATION OF PERSONNEL FILES

A. **Official Personnel File:** For employees, the official personnel file is maintained by the UWM Department of Human Resources, 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 or Shared Services Representative.

A: The items described in III.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 UWM Human Resources Department, the Chancellor or their designee, and the Office of Legal Affairs. The only exception is item III(A)(22), which is removed upon conclusion of the investigation as detailed in III(A)(22)(b). 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 III.A.20. 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 III(B) should be maintained outside of the personnel file.-

- B. **Working Files:** Other individuals, 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 they 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 their his or her own use and are not shared with anyone else. ~~Sharing such information may make the material subject to public records law requests. These notes may be exempt from disclosure under the public records law; however, 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.~~

V. 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**:

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

Commented [KCH5]: UWSA 1261 also includes the following statement:

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.

Unknown if SAAP should also so include?

Commented [JBH6R5]: Yes

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.

VI. 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. As provided by Wis. Stat. § 103.13, an employee, or their his/her designated representative, has the right to inspect certain records of their own official personnel file. A request to inspect personnel records may be made orally or in writing to the appropriate UWM office described in section IV above. The file may be inspected only under the supervision of the manager of the file or their his/her designee. Employees may not take or alter any document but may request 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.

However, UWM must share a copy of the complete personnel file of any current or former UWM employee upon being hired by another UW System institution, UW-Madison or other state agency. In addition, if UWM hires an employee of another UW System institution, UW-Madison or other state agency, the hiring department must request a copy of the individual's personnel file from the respective institution or agency.

VII. RETENTION OF PERSONNEL RECORDS

As a State agency, UWM may not destroy any records that it generates or receives, including employment records, unless destruction of the record is consistent with UW System's [General Records Schedule](#) and to [UWM's Retention Schedule](#). Retention periods for personnel records may vary according to employee classification. Employees are advised to check the most current RRDA's, 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.