

## CHAPTER 11

### THE PERSONNEL FILE

A personnel file for each academic staff employee shall be maintained by the employing department or unit. It shall contain only that information relevant to the employee's status and performance as an employee and to the commitments made to and by that employee, i.e., only that information which the university is required to know for the performance of valid and necessary university functions. The employee shall have the right to append signed personal statements to any material in this file concerning its accuracy, relevance, or applicability. Other information may be included (see 11.01.3 below). Note that some personnel records may exist that are not considered part of the

personnel file (see 11.01.2 below).

The personnel file is not necessarily a single physical entity and may include electronic records. Collectively, these documents constitute the personnel file. Academic staff members are encouraged to review their personnel files periodically.

#### 11.01 Contents

1. The following items, if they exist, shall be included in the personnel file:

- ☐ Letter of application and supporting documents
- ☐ Letters of reference; however, note that letters of reference provided under assurances of confidentiality shall be placed in a sealed envelope and are not available to the employee
- ☐ Letters of offer, negotiation, and appointment
- ☐ Letters of acceptance
- ☐ All position description information, including such other documents as the Position Vacancy Listings, Position Questionnaires, job evaluations, and pay equity descriptions
- ☐ Performance reviews and responses
- ☐ Letters of reappointment, promotion, and change in appointment status
- ☐ Notification of base rate and/or title change
- ☐ Indefinite appointment dossiers
- ☐ Documents relating to nonrenewal, layoff, or dismissal for cause
- ☐ Documents relating to resignation, retirement, and emeritus status
- ☐ Requests for leave of absence and responses
- ☐ Letters of discipline (see ASPP 6.02.2.c) and supporting documents
- ☐ Documents relating to pending grievances
- ☐ A summary of the results of final resolutions on grievances
- ☐ Notices of work-related awards and grants
- ☐ Employee interchange agreements, such as Inter-Institutional Agreements
- ☐ Required campus reports, such as outside activities and expert witness reports
- ☐ Personal statements that the employee has asked to have included in the personnel file concerning any of the above items

2. Some personnel records are excluded from the personnel file by law, regulation, or policy. Among these are the following:
  - ☐ Employment Eligibility Verification form (I-9), which must be on file for each staff member, usually located in a separate, secure I-9 file; however, storage with personnel file records is permissible if these documents are placed in a sealed envelope
  - ☐ Documents relating to employment-related visa applications; however, storage with personnel file records is permissible if these documents are placed in a sealed envelope
  - ☐ A supervisor's personal notes
  - ☐ Confidential medical records from any source, such as the employee, treating specialists, or the Division of Vocational Rehabilitation
  - ☐ Academic Staff Disability Accommodation Requests (form F-2769-m) and supporting documents, except for a description of the accommodations granted
  - ☐ Occupational Accident and Illness Reports (DOA-6058) and any subsequent materials relating to Worker's Compensation claims
  - ☐ Publications and communications not relevant to the accomplishment of valid and necessary university functions, e.g., materials relating to an employee's associations, political activities, and personal life
3. The following items may be included in a personnel file:
  - ☐ Professional publications
  - ☐ Newspaper clippings
  - ☐ Letters of congratulation
  - ☐ Notices of awards not related to the employee's position
  - ☐ Current résumé
  - ☐ Other miscellaneous items relative to employment

Other records may exist for an employee, such as payroll and benefit information, family and medical leave, and sick-leave and vacation balances. An academic staff employee is advised to seek these records, if needed, from the appropriate office.

## 11.02 Access

Wisconsin Open Records Law contains an express “presumption of complete public access, consistent with the conduct of governmental business” (Wis. Stats. 19.31). The law further provides that access may be denied only in an exceptional case or when required by law. See also 11.04.

1. *The Employee.* Whenever a document is added to an academic staff employee's personnel file, copies of the document shall be given or electronically transmitted directly to the employee and the supervisor. The employee has the right to see all documents in the personnel file upon request. Exceptions to access are covered by provisions of Wis. Stats. 103.13(6) governing records open to the employee. A request for access may be oral or written and may be directed to the supervisor or other custodian of these records. It is the policy on this campus that access shall be provided as soon as possible, but in no case later than the seven working days required by Wis. Stats. 103.13(2). The supervisor shall be required to provide access to all records that are considered part of the personnel file, as described in 11.01.

2. *The Supervisors.* Access to an employee's personnel file by the supervisor, the department chair or unit head, the dean or director, or the chancellor, or their respective designees, shall be on a "need to know" basis, with access limited to circumstances in which the information sought is essential to a legitimate university purpose.
3. *Other State Employees and Members of the Public.* The chancellor designates a Custodian of Public Records for the university. Whenever any UW-Madison employee receives a request from anyone not identified in 11.02.2 for access to an academic staff employee's personnel file, this Custodian shall be consulted for advice and authorization prior to any release of records, both to make sure that open records policies are followed and to protect the employee's privacy rights. The employee and the employee's supervisor shall be informed of the request, as well as the response to the request.  
Information published in the campus directory may be released outside the university without consulting the Custodian of Public Records.

### **11.03 Modification of the Personnel File**

A document may be modified or removed from a personnel file by mutual agreement of the employee and supervisor, subject to the provisions of Wis. Stats. 103.13(4). However, if an employee considers any document in the file to be inaccurate, irrelevant, or inapplicable, and wishes it to be modified or removed without such mutual agreement, the employee may file a grievance (ASPP 7). If such a grievance is upheld, the document shall be modified or removed.

### **11.04 Confidentiality and Security**

Persons collecting, maintaining, or obtaining personnel data are responsible for respecting the confidentiality of and maintaining the physical security of this information. Special security procedures may be necessary for electronic records. The only exceptions made to this policy shall be in response to a request submitted under open records laws.

### **11.05 Retention**

The personnel file will be retained in the employing department or unit for a period of at least six years past termination of appointment and then transferred to the University Archives for permanent preservation. If an employee takes a position in a new department or unit, the personnel file remains in the former department. However, an employee who takes a new academic staff position may have copies of the personnel file records from a previous academic staff position placed in the personnel file required for the new position upon request.