

# Wisconsin Human Resources Handbook

## Chapter 180

### Classified Employee Personnel Records

<b>Sec. 180.010</b>	<b>Introduction</b>	<b>Sec. 180.050</b>	<b>Contents of Personnel File</b>
<b>Sec. 180.020</b>	<b>Statutory Authority</b>	<b>Sec. 180.060</b>	<b>Use of Personnel File</b>
<b>Sec. 180.030</b>	<b>Definitions</b>	<b>Sec. 180.070</b>	<b>Maintenance</b>
<b>Sec. 180.040</b>	<b>Concepts</b>	<b>Sec. 180.080</b>	<b>Administrative Information</b>

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#### **Sec. 180.010 Introduction**

Pursuant to the provisions of Ch. 230, Wis. Stats., the Division of Personnel Management (DPM) is responsible for the development, improvement and protection of a statewide personnel management program designed to furnish state agencies with the best qualified personnel available and one which will provide the most efficient services to state citizens. In carrying out these directives, the director is the official custodian of the files containing personnel transaction documents (personnel files or P-files) for all classified state employees in authorized positions.

#### **Sec. 180.020 Statutory Authority**

1. “All powers necessary for the effective administration of the duties specified for the director under this subchapter are reserved to the director.” s. 230.05(1), Wis. Stats.
2. “The director may issue enforceable orders on all matters relating to the administration, enforcement and effect of the provisions of this subchapter for which responsibility is specifically charged to the director and the rules prescribed thereunder. . . .” s. 230.05(4), Wis. Stats.
3. Furthermore, the director, pursuant to s. 230.05(2) and s. 19.21(1), Wis. Stats., and subject to the provisions of this handbook chapter, has 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. A separate file, commonly called a “P-file,” will be maintained for each such employee.
4. “An appointing authority shall maintain permanently an employee’s disciplinary records in the employee’s personnel file. Unless otherwise ordered by a court or, during the grievance process under s. 230.445, by the appointing authority, administrator, or commission, or unless otherwise agreed to in a settlement agreement, disciplinary records may not be removed from an employee’s personnel file.” s.230.06(4), Wis. Stats.
5. The administrator and the director shall provide an appointing authority with access to the personnel files of any individual who currently holds another position in state government whom the appointing authority intends to make an offer of employment. s.230.13(3)(c), Wis. Stats.
6. An appointing authority may not make an offer of employment to any individual who currently holds another position in state government unless the appointing authority has reviewed the personnel file of the individual. s.230.15(7), Wis. Stats.

**Sec. 180.030 Definitions**

1. **Appointing Authority:** "... [T]he chief administrative officer of an agency unless another person is authorized to appoint subordinate staff in the agency by the constitution or statutes." s. 230.03 (4), Wis. Stats.
2. **Confidential:** Bearing the classification *confidential*, usually being above restricted and below secret; limited to persons authorized to use information, documents, etc., so classified.
3. **Director:** The Director of the Bureau of Merit Recruitment and Selection (BMRS).
4. **Records Disposition Authorization (RDA):** An RDA is a statement of records scheduling. It provides instructions and information as to the record content, format, length of the retention period, official record location and disposition. The RDA assists agencies in managing records from creation through disposition or during the record's life cycle. State statutes require that the agency prepare an RDA within one year from the time a record series is created. State agencies must have an approved RDA for records they wish to store either on site or at the State Records Center. A current RDA (fewer than 10 years old) for the agency's records must be approved by the Public Records Board.

**Sec. 180.040 Concepts**

1. There will be one Official Personnel Record (P-file) established for each employee. This record will:
  - a. Remain the property of the state and as such may not be destroyed or removed from the possession of the custodian without the written approval of the Director and the Public Records Board.
  - b. Be kept in a standard folder (form DOA-15520; *formerly* OSER-DMRS-3) utilized by all agencies and maintained by the employing agency for all classified employees in authorized positions. (This does not apply to limited term employees.)
  - c. Follow the employee through his or her state career and be forwarded when an employee transfers between state agencies.
  - d. Be forwarded to the State Records Center after termination of an employee.
  - e. Be reactivated from the State Records Center when an employee is reemployed in state service within five years from date of leaving state service.
  - f. Be available for review upon request by the employee at a mutually agreed-upon time between the employee and the officially designated custodian of the record.
2. The Bureau of Merit Recruitment and Selection ("BMRS") will not maintain any official personnel records of employees on-site. The agency human resources director is the custodian of the P-file until an employee terminates from state service and the agency sends the file to the State Records Center. BMRS maintains the file at the State Records Center until disposition. See Public Records Board's [General Records Schedule for Human Resources and Related Records](#).
3. Many items in the P-file are considered confidential records. Those items include information which may be exempt from disclosure under the Public Records Law, or are expressly identified as such by state or federal legislation. (Example: state regulations require keeping information such as employees' home addresses confidential. Ch. 19, Wis. Stats.)

**Sec. 180.050 Contents of Official Employee Personnel Record Folder**

1. Essential or Permanent Documents

The documents listed below are identified as “essential” and must be permanently maintained in the Official Employee Personnel Record folder, or P-file (DOA-15520) when transferred with the file.

- a. Certification Request from which an appointment is made
- b. Evidence of awards received from the State
- c. Formal apprenticeship agreements
- d. Leave of Absence With Pay Due to Injury Request/Authorization
- e. Leave of Absence Without Pay Request/Authorization
- f. Interchange Agreements
- g. Letters of appointment and assignment
- h. Letters of commendation
- i. Letters of discipline
- j. Letters of resignation
- k. Letters of instruction related to work expectations
- l. Notice of actions affecting employee’s pay status
- m. Performance Evaluations
- n. Position Description (original and any subsequent)
- o. Probationary Service Report (former title) or probationary performance evaluations and letters related to the results of the employee’s probationary period(s) or trial period.
- p. Reallocation Notice
- q. Reclassification Request/Report
- r. Records of equity, retention, and merit or performance awards
- s. Training records
- t. All other material concerning an employee, except those documents designated by an appointing officer as requiring special handling or separate filing.

**Note:** The “transitory documents” Personnel Turnaround Document (Ad-CP-1) and Personnel Transfer Record (OSER-DMRS-24) formerly kept in the P-file now are maintained by the agency in a separate file until the employee terminates. The documents are forwarded to the receiving agency when an employee transfers. See Public Records Board’s [General Records Schedule for Payroll & Related Records](#) on the Department of Administration website for disposition of payroll and related documents.

2. Other Documents

All other material concerning an employee not listed here, except those documents designated by an appointing authority or the director as requiring special handling or separate filing, will also be filed in the P-file. The disposition of such documents upon transfer or termination of an employee is the same as described above.

**Sec. 180.060 Use of Personnel File**

1. Such employee records are defined as “public records” under the provisions set forth in s. 16.61(2)(b), Wis. Stats., and, therefore, are subject to the regulations and procedures established by the Public Records Board by the authority granted to that Board in s. 16.61, Wis. Stats., for the preservation, protection, and orderly method of disposition of essential state records. The Public Records Law, ss. 19.31, *et seq.*, Wis Stats., as well as other state and federal laws, may place limits on the disclosure of certain records contained in personnel files. The DPM administrator and the BMRS director also have the authority to close records to the public as specified in s. 230.13, Wis. Stats.

2. Section 103.13, Wis. Stats., grants employees the right to inspect certain components of the employee's personnel records upon request to their employer, which the employer may require the employee to make in writing. These include any personnel documents which are used to determine qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action and some medical records. Excepted from this right are those listed under s. 103.13(6), Wis. Stats. Medical records may be released by the employer to the employee's physician rather than the employee if the employer feels disclosure to the employee would be detrimental to him or her. An employee must be granted at least two requests for inspection per calendar year by the employer.

An employee who disagrees with information in their P-file may, through an agreement with the employer, correct or remove it. If there is no agreement, the employee may submit a written statement explaining his or her position, which will be included in the P-file.

3. In addition to the above, s. 103.13(3), Wis. Stats., allows an employee who is involved in a current grievance against the employer to designate in writing a representative of the employee's union, collective bargaining unit or other designated representative to inspect the employee's P-file for information which may have a bearing on the resolution of the grievance, except for those records that are exempted by s. 103.13(6), Wis. Stats., as listed below.
4. Agency HR Directors are the custodians of their employees' P-files. Each agency which has an appointing authority who can independently appoint, remove, discipline, assign, etc., under s. 230.06(1)(b), Wis. Stats. will be treated as if they are separate employers. As such, if one state agency wishes to obtain access to the personnel file of an individual employed by another state agency, the agency must make an open records request for the information. However, s.230.13(3)(c) and s.230.15(7) permit or require access to the personnel file of an employee (including within a different agency) for whom the appointing authority intends to make an offer of employment. In this instance an open record request is not necessary. The agency HR Director holding the employee's p-file will make the record available for inspection by the hiring agency HR Director. Custody of the record shall remain with one of the HR Directors or their designee at all times.

#### Exceptions

The right of the employee or the employee's designated representative to inspect his or her personnel records does not apply to:

1. Records relating to the investigation of possible criminal offenses committed by that employee.
2. Letters of reference for that employee.
3. Materials used by the employer for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatment, management bonus plans, promotions and job assignments or other comments or ratings used for the employer's planning purposes.
4. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
5. Records relevant to any other pending claim between the agency and the employee which may be discovered in a judicial proceeding.

**Sec. 180.070 Maintenance**

**1. Employing Agency**

a. General

- 1) Prepare and submit to the director a list indicating specifically the location in the agency where the official folders will be maintained and identifying agency personnel who will have custody of the records and who are authorized to process documents placed in or removed from the P-file. The list should be updated with appropriate names and addresses when necessary.
- 2) Purchase *Official Employee Personnel Record* folders (P-file; form DOA-15520) from Document Sales, Department of Administration.
- 3) Prepare and maintain a P-file for each classified employee occupying an authorized position (except LTE) in the agency.
  - a) Enter name on top tab of folder.
  - b) File prescribed documents as may be required.
  - c) Maintain files in a secured area with limited and controlled access.
- 4) Retain P-files of laid-off employees for entire duration of restoration (prior to July 1, 2016) period or period of reinstatement eligibility after July 1, 2016, unless called for by another agency which is hiring them. *(Note: Record retention provisions require retention for the 8 years from the event date. As long as this is followed the file will be retained.)*

b. When an employee transfers to another agency:

- 1) Prepare Personnel Transfer Record (DOA-15504 see <http://doa.wi.gov/Documents/DPM/DPM%20FORMS/DOA-15504%20Personnel%20Transfer%20Record.pdf>) to accompany P-file to receiving agency.
- 2) Be certain latest Personnel Turnaround Document (Ad-CP-1) accompanies P-file to receiving agency.
- 3) Forward P-file and its contents to receiving agency via sealed envelope marked “Confidential” by either:
  - a) Personal delivery.
  - b) Sealed envelope via Inter-D mail.
  - c) First class mail.
  - d) Registered mail.
- 4) The receiving agency will transcribe all pertinent data from the Personnel Turnaround Document and Personnel Transfer Record to their agency payroll records and retain the documents in their files.

c. When an employee resigns, retires or is terminated

- 1) Prepare Personnel Transfer Record (DOA-15504) and place in P-file.
- 2) File letter of resignation, retirement or termination in P-file. (File both the transfer record and resignation letter on top in the essential documents section of the file folder.)
- 3) File latest Personnel Turnaround Document (Ad-CP-1).
- 4) Maintain folder in an inactive file for one year after date of employee termination.
- 5) Remove any documents deemed necessary to be retained in the agency in accordance with the procedure prescribed in section 180.050.2, of this handbook chapter.
- 6) Follow the procedure for transfer of official Separated Employee Personnel Files. If located outside the City of Madison, the agency should forward the Separated Employee Register and folders to the State Records Center in such a manner to maintain security of the records. If located within the City of Madison, the agency should call the State Records Center for pickup of the records.

d. Reinstatement

- 1) Following the procedure for “Retrieval of Records” developed by the State Records Center, request P-file from the State Records Center, indicating:
  - a) Employee’s name in full (maiden name, if applicable).
  - b) Employee’s social security number.

- 2) Process transitory documents as prescribed in b., above.
- 3) Continue maintenance of such folder as the official record of the employee.

## 2. Records Center

### a. General

When the P-file arrives at the State Records Center, the Center assumes the responsibility for the physical possession, storage, servicing, preservation, and security of inactive records as custodian for BMRS. However, Records Center staff is **not authorized** to open folders and scan the contents in response to requests for information from the documents contained therein. If such records are needed, the persons authorized to have access to the records are to request that the folder be sent to them. Persons authorized to have such access are representatives in each agency to which custodianship has been delegated by the director.

### b. Processing

- 1) Check folders or e-mails received from the agencies to ensure that the information listed on the Separated Employee Register is accurate.
- 2) Create a data entry for each file: an individual file number is assigned, and labels placed on the folders.
- 3) Place individual files on open shelf units once they are individually labeled with their unique number.

### c. Reference Service

- 1) Receive request for terminated employee information or folder, e-mail, or website.
- 2) Ensure that requester has authorized access to the folder or its contents.
- 3) Obtain required information for identification for folder:
  - a) Employee's full name (maiden name, if applicable).
  - b) Employee ID. (Note: Social Security Number is acceptable for employees who separated prior to November 29, 2015 and do not have an employee ID number.)
- 4) Obtain address where folder will be sent.
- 5) Develop and maintain the appropriate charge-out and follow-up systems to prevent any loss or destruction of the records.

### d. Records Disposal

Records contained in the P-files of separated employees will be retained according to the Public Records Board's [General Records Schedule for Human Resources and Related Records](#) then confidentially destroyed at the Records Center.

## Sec. 180.080 Administrative Information

This chapter was originally issued in May 1982 as Chapter 748 of the *Wisconsin Personnel Manual*.

It was revised and issued in April 2014 as Chapter 180 of the *Wisconsin Human Resources Handbook*. The chapter describes current procedures and practices.

In July 2016, Chapter 180 underwent a review and update pursuant to changes introduced by 2015 Wisconsin Act 55 and by 2015 Wisconsin Act 150. In July 2015, the Office of State Employment Relations was eliminated and the functions were transferred into the newly created Department of Administration, Division of Personnel Management. This chapter was updated to reflect the changes in terminology that resulted from the organizational restructuring. This chapter was also updated to address changes in procedural guidance and provide policy clarification regarding the mandatory review of a current employee's p-file prior to an offer of employment. This chapter designates agency HR Directors as the custodians of employee personnel files.