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|  | | Personnel Records & Retention Policy | | | |
| Owner: | HR Manager | Approving Position: | Common Council | Pages: | 3 |
| Issue Date: | | Revision Date: | | Review Date: | |
| Special Instructions: | Complete re-write utilizing CVMIC model policy. | | | | |

I. PURPOSE

This policy sets forth the records and retention schedule the City of Whitewater is required to keep regarding its employees, per federal and state law.

II. POLICY

A. Documentation

Maintenance of an employee’s personnel file begins with accurate and complete personnel records from the date of hire. Important documents to be included in an employee’s personnel file consist of: job description, offer of employment letter, job application, resume, W-4 Form, signed acknowledgement of receipt of employee handbook, emergency contact information, review of the City’s code of conduct, an employee orientation checklist, and other signed acknowledgement receipts of important policies (i.e. Anti-Harassment & Retaliation, IT Policy).

The following records are typically obtained throughout the employment relationship:

1. Compensation records detailing the employee’s history (i.e. salary recommendations, salary increase, decreases, denials of raises, notification of wage increases or decreases)
2. Form W-4
3. Attendance records
4. Pay advance request records, garnishment orders, authorization to release payroll information
5. Performance evaluations, discipline records that document the discipline (information related to internal confidential investigations will be maintained in a separate file), training documents (*i.e. training history records, training program applications/requests, skills inventory questionnaire, training evaluation forms, in-house training notification letters, training expense reimbursement records*), benefit documents (*i.e. life insurance application, vacation accrual/taken form, request for leave of absence, retirement application, payroll deduction authorization, hazardous substance notification and/or reports, tuition reimbursement application and/or payment records, annual benefits statement acknowledgement, safety training/meeting attendance/summary forms*), and employee relations documents (*i.e. report of coaching/counseling session, EAP consent form, commendations, written warning notice, employee suggestion forms/status reports*).

Documentation supporting the end of the employment relationship should also be included in a personnel

file. This documentation may include: resignation, documentation supporting a termination, layoff or reduction in force, exit interview form, exit interviewer's comment form, final performance evaluation, record of documents given with final paycheck, and COBRA (should be contained in the medical file) documents.

B. Exclusions

The subsequent list of documents should NOT be included in an employee's personnel file, but maintained in a separate confidential file:

1. Medical records [i.e. pre-employment physicals, psychological evaluations, medical surveillance information, injury reports, medical questionnaires, workers' compensation reports, drug testing results]
2. I-9 forms
3. FMLA medical certification, fitness-for-duty evaluation, or any tests or results from medical certification
4. ADA reasonable request for accommodations
5. Background investigation records
6. Safety records

C. Changes/Updates/Additions

Employees must inform the City of any necessary updates to their personnel file, such as change of address, contact information, emergency contact, marital status, number of dependents, or military status. Employees should also inform their supervisor or Human Resources of any outside training, professional certifications, education, or any other change in status.

D. Inspection

The city is required to permit employees to inspect any personnel document used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records at least 2 times per calendar year [unless otherwise provided for more days in a labor agreement], within 7 working days after the request for inspection, at a location reasonably near the employee's place of employment and during normal working hours. An employee involved in a grievance may designate in writing a representative of the employee's union or other designated representative to inspect the employee's personnel records which may have a bearing on the resolution of the grievance. The employee or employee's representative has a right to copy or receive a copy of the records.

The right of the employee or their designated representative to inspect 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. Any portion of a test document (except the cumulative test score);
4. Materials used by the City for staff management planning, including judgments or recommendations concerning future salary increases, bonus plans, promotions and job assignments or other comments or ratings used for planning purposes;
5. Information of a personal nature about a person other than the employee if disclosure of the information would constitute invasion of the other person's privacy;
6. Records relevant to any other pending claim between the City and the employee, which may be discovered in a judicial proceeding.

Information contained in personnel records that are disagreed upon may be removed or corrected, at the mutual agreement of the City and employee. At minimum, an employee may submit a written statement explaining their position, which shall be attached to the disputed portion of the personnel record. [The

employee's statement must be included whenever the disputed portion of the personnel record is released to a third party, as long as the disputed information is part of the personnel file].

The inspection of medical records concerning employees shall be allowed unless the City believes that a disclosure of the record would have a detrimental effect on the employee. If that is the case the City may release the medical records to the employee's doctor or through a doctor designated by the employee.

E. Discrimination

An employee cannot be discharged or discriminated against due to a complaint being filed, for asserting their rights under Wisconsin's access to personnel files, or because an employee testifies or assists in any action to enforce any right under Wisconsin's law concerning access to personnel files.

F. Record Retention

Regular Duty Personnel Files are maintained for a minimum of eight years beyond the termination of City service. The minimum retention requirements do not apply when the records are part of litigation or the subject of a pending complaint (i.e. discrimination complaint); in those situations, the records must be retained until the litigation or complaint is completely resolved. Protected Service Personnel Files are maintained for the life of the employee (or former employee).