



**CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE  
Personnel File Contents and the  
Process for Accessing These Records**



Eff. Date 12/28/2020

## **Purpose**

The Madison Police Department (MPD) maintains information on all current and past employees, commissioned and civilian, pursuant to State of Wisconsin Statutes and City of Madison Ordinance.

The purpose of this standard operating procedure is to identify and clarify specific categories of personnel information and to establish criteria to assure that this information is maintained and protected, allowing access only when provided by law. Accordingly, not all portions of an employee's employment file will be available to the employee. In addition, there may be a reasonable charge for providing copies of records.

The following categories are considered sections of an employee's overall Personnel File Record and the documents identified represent typical types of records that may be stored within. The documents listed within each category are not inclusive.

## **Files/Definitions**

### **EMPLOYEE FILE (GREEN)**

**(Maintained by the Human Resources Coordinator)**

This file is stored in the Master File room in the CCB in a green file folder. File contents are typically related to:

- Letter to Offer Position to Candidate
- Letter of Acceptance
- Letters of Recommendation (if turned in after employment began)
- Standards of Conduct Pledge
- Employee Status Information (rank, address, education, assignment)
- Commendations and Awards (Employee Recognition Form(s), Citizen Recognition Letters, Departmental Awards)
- Evaluations
- Employee Feedback Forms
- Employee Notification of Grant Funded Position

### **MEDICAL FILE (BLUE)**

**(Maintained by the Human Resources Coordinator)**

This file is stored in the Master File Room in the CCB in a blue file folder. File contents are typically related to:

- Doctors Documents
- Workers Compensation Documents
- OSHA
- Any Medical Related Documents
- Family Leave Form
- Fitness to Use a Respirator
- Drug Test Results (Post-Employment Offer)

## **TRAINING**

### **(Maintained by the Training Section)**

These files are stored electronically by the Program Assistant assigned to the Training Team. Files earlier than 2013 are currently housed in a Green File Folder. File contents are typically related to:

- In-Service Specialized Training
- Remedial Training (non-discipline related)
- Field Training Officer/Sergeant
- Specialized Unit Training
- District/Section Training
- HR 218

## **PROFESSIONAL STANDARDS AND INTERNAL AFFAIRS<sup>1</sup>**

### **(Maintained by the Lieutenant of PS&IA)**

Prior to 2014, some of the below listed files are stored in the Master File Room in the CCB and secured in a separate locked storage cabinet. After that date, all PS&IA files are stored electronically within the IA management software program designated by the Madison Police Department. File contents are typically related to:

- Internal and External Complaints
- Investigations by PSIA and District Command of SOP and Codes of Conduct Violations
- Documentation of Sanctions (discipline and non-discipline)
- Existing and expired Work Rules/Performance Improvement Plans
- Historic Disciplinary Records
- Pursuit Reviews
- Squad Crash Reviews, Arbitrator, MDC messages, Emails and Sick Leave Use Audits
- Disciplinary Notice/Findings
- Probationary Officer Extension Memos Crafted by District Captains (if not related to performance, an inquiry only file will be created)

## **PRE-SERVICE ACADEMY TRAINING FILE (YELLOW)**

All pre-service records remain at the Training Center under the direction of the Lieutenant of Training until transferred to the Master File Room at Headquarters. The maintenance of these files is then the responsibility of the Human Resources Coordinator. Documents related to tests and performance measures of probationary commissioned personnel while attending the MPD Police Academy are housed electronically or on microfilm; certain paper files may also be housed in the Master File Room located at Headquarters.

## **FIELD TRAINING FILE (ORANGE)**

Documents related to performance measures of probationary commissioned personnel while participating in MPD's Field Training and Experience program are housed electronically or on microfilm and maintained by Training until the employee is deployed to a field assignment. Certain paper files may also be housed in the Master File Room located at Headquarters.

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<sup>1</sup> These files have restricted access. Access to portions of these files may be denied due to exceptions noted in Wisconsin State Statutes §§19.31-19.39 and §103.13.

## PROMOTIONAL PROCESS FILE

### (Maintained by the Human Resources Coordinator/Chief's Administrative Assistant)

Certain process documents, including those that are generated as the result of candidate interviews with the Chief, will be stored in the Master File Room. These documents are specific to the commissioned promotional process.

## Rules and Guidelines

### CRITERIA

- A current or former employee may review their personnel records once per calendar year, upon request. A review form indicating date of review and signature of employee will be maintained within the file.
- Employees must be notified and/or sign off on new documents placed within their personnel file pertaining to performance issues.
- All file entries should include the following specific dates when appropriate: the date the information was added to the file and/or the date the information was received by PS&IA.
- Documentation should occur each time someone accesses an employee personnel file. This documentation should consist of a short memo indicating the date of the review, who conducted the review, the reason for the review, and what sections of the personnel file were accessed. This memo shall be placed within the employee file.
- Personnel files are all to be housed within the locked Personnel File Room located at Headquarters. However, certain Pre-Service Field Training Files are stored electronically. In addition, certain PS&IA files are kept in this room through 2013 but are otherwise electronic (see above).
- Personnel Files are available to the employee, the employee's representative when involved in a grievance, an employee's physician (per medical record exception) and decision-maker (Human Resources Coordinator or their Commanding Officer).
- Employees may add to their files; i.e., when they receive direct commendations from the public.
- Copies. The right of the employee or the employee's representative to inspect records includes the right to copy or receive a copy of records. The employer may charge a reasonable fee for providing copies of records, which may not exceed the actual cost of reproduction.

### RETENTION OF RECORDS

- No records are to be removed or purged at an employee's request. If an employee believes a record exists in error or disagrees with the content of a record, the employee can submit a memo stating they dispute the record and why. This memo will be stapled to the disputed record.
- All documents listed above that are placed in an employee's permanent file will be stored for at least eight (8) years after separation from service.

Wisconsin State Statutes §§19.31-19.39 and §103.13 clearly articulate exceptions related to employee access of their Personnel Records. These exceptions include:

- Records relating to the investigation of possible criminal offenses committed by that employee.
- Letters of reference provided through the background process.
- Any portion of a test document, except that the employee may 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, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignment or other comments or ratings used for the employer's planning purposes.
- 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.

- An employer who does not maintain any personnel records.
- Records relevant to any other pending claim between the employer and the employee, which may be discovered in a judicial proceeding.

### **RECORDS APPEAL PROCESS**

- Review processes initiated by the employee shall be in writing describing the disputed information and directed to the authority responsible for maintaining the record in question.
- The authorities designated to maintain the specific record will be responsible for the review process and may delegate the review to his/her designee. The designated authority will make a determination on the record in dispute. Appeals to this decision are to be directed to an Assistant Chief.
- The final decision on the disposition of the appeal shall be the responsibility of an Assistant Chief.
- If an agreement is not reached through the appeal process, an employee may submit a response to their written dispute articulating the employee's position. That response is to be attached to the original disputed document.

Original SOP: 05/11/2012

(Revised: 02/25/2015, 06/10/2015, 02/12/2016, 03/21/2016, 02/03/2017, 12/21/2017, 01/15/2020, 12/28/2020)