

State of Wisconsin

DIVISION OF PERSONNEL MANAGEMENT

- MERIT RECRUITMENT AND SELECTION BULLETIN -

Date: November 29, 2016

Locator No. DPM-0431-MRS

**Subject: Records Retention for Former
Employees Who Have Left State
Service or Transferred Positions**

This bulletin is a replacement of the memorandum regarding records retention for former employees issued to Agency HR Directors on September 30, 2016.

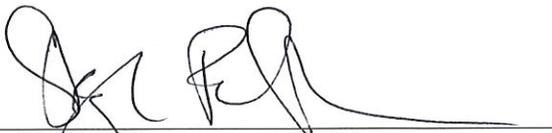
On March 11, 2016, the Governor issued Executive Order #189 – Relating to Promoting Open and Transparent Government Through Implementation of Best Practices and Performance Dashboards. The “Executive Order seeks to advance best practices across state agencies to go above and beyond the requirements of the Public Records Law...” The Department of Administration was directed to work with cabinet agencies to assess their performance under the Executive Order. Findings and recommendations to ensure compliance with the Executive Order were published in a report on August 26, 2016.

Of fundamental importance to the Public Records Law is the retention of state records. The Executive Order specifically addressed the need for retaining the records of former employees who have left state service or who have transferred to new positions. In order to ensure compliance with the Executive Order, the following communication should be provided to departing employees regarding the retention of records:

“As a reminder, anything meeting the definition of “public record” in s. 16.61, Wis. Stats. is property of your employing agency. Unless authorized by an applicable Records Disposition Authorization (RDA), you may not destroy public records or take your agency’s only copy of a public record. If you wish to take duplicates of public records with you upon your departure, you must obtain prior approval from your supervisor.”

When an employee submits their resignation or intent to retire, the best practice is to formally accept the resignation or retirement in writing and the above language should be included. This formal acceptance can be in email or paper form. If the acceptance is provided to the employee in paper form, a copy of the letter must be retained within the employee’s P-file. If a particular circumstance does not allow for formal written acceptance of the resignation prior to the employee’s departure, a letter of separation shall be issued to the employee including the language regarding records retention and a copy placed in the employee’s P-file. For employees who are being terminated (including layoff), the language above should be included in the letter of termination.

Agencies are directed to provide information and direction to all supervisors regarding this requirement and should update any applicable policies or procedures no later than January 1, 2017. Questions on this directive can be sent to Nicole Rute who will also work with agencies to verify compliance



Stacey Rolston, Deputy Administrator
Division of Personnel Management

Resources:

Definition of Public Records – [Wis. Stat. § 16.61\(2\)\(b\)](#); [Wis. Stat. § 19.32\(2\)](#)

[General Records Schedule](#)

[Introduction to Records Management for State Employees](#)

[Introduction to Records Management for Supervisors and Managers](#)

[Introduction to Records Management for Senior Managers, Administrators and Appointed Staff](#)