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## ***CORRESPONDENCE MEMORANDUM***

**DATE:** May 23, 2007

**TO:** Group Insurance Board  
Employee Trust Funds Board  
Teachers Retirement Board  
Wisconsin Retirement Board

**FROM:** Pam Henning, Administrator  
Division of Management Services

**SUBJECT:** Designation of Records Custodian

### **Recommendation**

The Department does not have recent documentation that each Board has designated a records custodian. Each Board should designate a legal records custodian. We recommend each Board designate Employee Trust Funds (ETF) Records Officer, Diane Vultaggio, as the Board's records custodian for purposes of obtaining Board records under the state's Open Records Law.

### **Background**

In March 2007, the *Appleton Post-Crescent* newspaper published an article that reviewed the legal sufficiency of the public records notices under the state's Open Records Law of 41 state agencies, including ETF. The article noted numerous problems with the various notices, including the fact that a number of agencies failed to even post the required notice. The only problem highlighted with ETF's notice was that it was incomplete because it was missing information related to the cost of obtaining records.

In the process of revising our public notice to include the cost of obtaining records, we discovered other information that must be included due to a relatively recent change in the law. The law requires that each public notice separately designate each position of the governmental authority that constitutes a "state public office." ETF's prior notice did not identify those positions. Since each attached Board is an "authority" in its own right and ETF is responsible for the records of each Board, a separate public notice has been developed describing each attached Board and identifying the "state public offices" associated with the Board. The ETF Board's public notice is included with the Department's notice.

In addition, a critical part of obtaining access to public records is the designation of a records custodian for each public entity and listing that position in the notice so the public knows whom to contact. During our review, we found that the Private Employer Health Care Coverage Board had clearly designated a records custodian. However, without an extensive resource effort, we

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are uncertain if all other Boards have done so. We are asking the Boards to make this designation at their next meetings. The new notices will include this designation, once the Boards authorize it, so the public knows whom to contact. Copies of the public records notices are attached for your information.

Staff will be available at the meeting to answer any questions.

Attachments



## **EMPLOYEE TRUST FUNDS - ATTACHED BOARDS PUBLIC RECORDS NOTICE Wis. Stat. § 19.34 (1)**

### **GROUP INSURANCE BOARD DESCRIPTION**

The Group Insurance Board sets policy, oversees administration and hears appeals for all group insurance plans under Chapter 40 of the Wisconsin Statutes, including health, income continuation, life and long-term disability insurance. The Group Insurance Board may also provide other insurance if the employees pay the entire premium.

#### **Positions of State Public Office**

Pursuant to Wis. Stat. § 19.34 (1), each of the following positions of the 11-member Group Insurance Board constitute a "state public office" as defined in Wis. Stat. §§ 19.32 (4) and 19.42 (13): all Board members, including the Governor, or Governor's designee. However, if the Attorney General, Department of Administration Secretary, Director of the Office of State Employment Relations or Commissioner of Insurance appoints a designee instead of serving personally, then that designee does not hold state public office.

### **TEACHERS RETIREMENT BOARD DESCRIPTION**

The Teachers Retirement Board is an advisory board to the Employee Trust Funds Board on retirement system matters specific to teachers. The Board approves or rejects administrative rules affecting teachers and oversees the Department's administration of disability annuity benefits for teachers, including hearing administrative appeals of denied applications or terminated benefits.

#### **Positions of State Public Office**

Pursuant to Wis. Stat. § 19.34 (1), each of the following positions of the 13-member Teachers Retirement Board constitute a "state public office" as defined in Wis. Stat. §§ 19.32 (4) and 19.42 (13): the four Board members appointed by the Governor under Wis. Stats. §§ 15.165 (3) (a) 3., 4. and 5. (i.e., the non-classroom teacher public school administrator, the member of a school board and the two UW System teachers who participate in the WRS).

### **WISCONSIN RETIREMENT BOARD DESCRIPTION**

The Wisconsin Retirement Board is an advisory board to the Employee Trust Funds Board on retirement system matters specific to non-teacher employees. The Board approves or rejects administrative rules affecting non-teachers and oversees the Department's administration of disability annuity benefits for non-teachers and the amount of monthly duty disability benefits for protective occupation participants, including hearing appeals.

#### **Positions of State Public Office**

Pursuant to Wis. Stat. § 19.34 (1), each of the following positions of the nine-member Wisconsin Retirement Board constitute a "state public office" as defined in Wis. Stat. §§ 19.32 (4) and 19.42 (13): all Board members. However, if the Commissioner of Insurance designates an actuary from his or her office instead of serving personally the designee does not hold state public office.

### **How To Inspect Records**

Members of the public may obtain information and access to the Group Insurance Board, Teachers Retirement Board, or Wisconsin Retirement Board's public records or obtain copies of these records by contacting the agency Records Officer, Diane Vultaggio, 801 W Badger Rd., PO Box 7931, Madison WI 53707-7931, telephone number 608-266-5578. Requests for information and access to records may be made orally or in writing between the hours of 7:45 a.m. and 4:30 p.m., Monday through Friday, except legal holidays. Requests for access to a public record must reasonably describe the record sought and be limited to the subject matter and/or length of time represented by the record.

## **DEFERRED COMPENSATION BOARD DESCRIPTION**

The Deferred Compensation Board selects and contracts with deferred compensation plan providers; develops policies, procedures, and rules that govern provider participation in the program; and hears appeals of program determinations by participants.

### **Positions of State Public Office**

Pursuant to Wis. Stat. § 19.34 (1), each of the five members of the Deferred Compensation Board constitute a "state public office" as defined in Wis. Stat. §§ 19.32 (4) and 19.42 (13).

### **How To Inspect Records**

Members of the public may obtain information and access to the Deferred Compensation Board's public records or obtain copies of these records by contacting the Director of the Deferred Compensation Program, Shelly Schueller, 801 W Badger Rd., PO Box 7931, Madison WI 53707-7931, telephone number 608-266-6611. Requests for information and access to records may be made orally or in writing between the hours of 7:45 a.m. and 4:30 p.m., Monday through Friday, except legal holidays. Requests for access to a public record must reasonably describe the record sought and be limited to the subject matter and/or length of time represented by the record.

## **PRIVATE EMPLOYER HEALTH CARE COVERAGE BOARD**

The Private Employer Health Care Coverage (PEHCC) Board was created to carry out the following duties: design an actuarially sound health care coverage program for private employers; contract for administration of the health care coverage plans under the program; contract for actuarial, legal and marketing services under the program; and maintain a toll-free telephone number for information on the program. Presently, the PEHCC Board and Program are non-operational.

### **Positions of State Public Office**

Pursuant to Wis. Stat. § 19.34 (1), each of the nine positions of the Private Employer Health Care Coverage Board constitute a "state public office" as defined in Wis. Stat. §§ 19.32 (4) and 19.42 (13).

### **How To Inspect Records**

Members of the public may obtain information and access to the Private Employer Health Care Coverage Board's public records or obtain copies of these records by contacting the Administrator of the Division of Insurance Services, Tom Korpady, 801 W Badger Rd., PO Box 7931, Madison WI 53707-7931, telephone number 608-266-0207. Requests for information and access to records may be made orally or in writing between the hours of 7:45 a.m. and 4:30 p.m., Monday through Friday, except legal holidays. Requests for access to a public record must reasonably describe the record sought and be limited to the subject matter and/or length of time represented by the record.

## **COST OF COPIES OF RECORDS (ALL BOARDS)**

The Department will charge the actual, necessary and direct cost of copying, printing, recording and/or transcribing records that are releasable. The charge for photocopying or printing is \$.10 per single sided page, plus sales tax (currently 5.5%). The charge for reproduction of microfilmed documents is \$.25 per page. The Department will also charge the actual, necessary and direct costs associated with staff time to perform these tasks. Postage will be charged if the requester desires copies to be mailed. The cost of locating a record may be charged if the actual cost of locating the record is \$50 or more. If the total cost of responding to a request for records is estimated to be \$10 or more, pre-payment may be required.



# **EMPLOYEE TRUST FUNDS PUBLIC RECORDS NOTICE**

## **Wis. Stat. § 19.34 (1)**

### **DEPARTMENT DESCRIPTION**

The Department is headed by a secretary appointed by a 13 member Employee Trust Funds Board and is responsible for the state-administered retirement program; group insurance programs (health, life, income continuation, long-term disability and long-term care); employee reimbursement account program; commuter benefits program; deferred compensation trust funds for state and local government employees; state accumulated sick leave conversion credits program; and private health insurance for small businesses.

Recognizing the people's right to information about the government's decision making process, the Department will, consistent with the state's Open Records Law (Wis. Stat. §§ 19.31 to 19.37), provide information regarding the Department's affairs, except for personal information restricted by statute.

### **HOW TO INSPECT RECORDS**

Members of the public may obtain information and access to the Department's public records, or obtain copies of these records by contacting the agency Records Officer, Diane Vultaggio, 801 W Badger Rd., PO Box 7931, Madison WI 53707-7931, telephone number 608-266-5578. Requests for information and access to records may be made orally or in writing between the hours of 7:45 a.m. and 4:30 p.m., Monday through Friday, except legal holidays. Requests for access to a public record must reasonably describe the record sought and be limited to the subject matter and/or length of time represented by the record.

### **POSITIONS OF STATE PUBLIC OFFICE**

Pursuant to Wis. Stat. § 19.34 (1), the positions in the Department that constitute a "state public office" as defined in Wis. Stat. §§ 19.32 (4) and 19.42 (13) are the Secretary, Deputy Secretary, Executive Assistant, and Administrators of the Divisions of Retirement Services, Information Technology, Trust Finance and Employer Services, Insurance Services and Management Services. In addition, the following Employee Trust Funds Board positions constitute a state public office: the Governor (or Governor's designee); the Director of the Office of State Employment Relations; and a public member who is not a participant or beneficiary of the Wisconsin Retirement System appointed by the Governor under Wis. Stat. §§ 15.16 (1) (c).

### **COST OF COPIES OF RECORDS**

The Department will charge the actual, necessary and direct cost of copying, printing, recording and/or transcribing records that are releasable. The charge for photocopying or printing is \$.10 per single sided page, plus sales tax (currently 5.5%). The charge for reproduction of microfilmed documents is \$.25 per page. The Department will also charge the actual, necessary and direct costs associated with staff time to perform these tasks. Postage will be charged if the requester desires copies to be mailed. The cost of locating a record may be charged if the actual cost of locating the record is \$50 or more. If the total cost of responding to a request for records is estimated to be \$10 or more, pre-payment may be required.