



<b>Workforce Connections Administrative Policies Record Retention</b>	<b>Admin-010-04</b>
<b>Supersedes policy No. 5.6 dated 02-06-13</b>	<b>Revision No.3 Effective 12-15-2017</b>
<b>Policy Approved By: WC Executive Director Policy Adopted on: August 2014</b>	<i>D-P-F</i> 12/15/17

**Purpose**

This policy sets forth Workforce Connections (WC) established criteria and rules for the application of the Workforce Innovation and Opportunity Act (WIOA) and its associated regulations regarding record retention, and access to records, requirements.

**Background**

By law, all local workforce development areas and sub-recipients are required to maintain and retain records of all **programmatic, fiscal and administrative** activities funded in whole or in part under Title I of WIOA. Sub-recipients receiving WIOA Title I formula funds shall follow this policy. Sub-recipients must establish written internal policies/procedures that meet the requirements of this policy.

**Policy**

Workforce Connections has established that for the purpose of Federal, State and local record retention requirements, all financial, administrative, statistical, property, applicant and program participant records and supporting documentation must be retained for a period of at least five (5) years subsequent to the date of submission of final grant expenditure report. If any litigation, claim, or audit is started before the expiration of the five (5) year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action is taken.

**Reference**

Public Law - P.L. 113-128 WIOA Sec. 185; 2 CFR §200.82 - §200.337; 20 CFR §683.220; 29 CFR §38.41 - §38.45; TEGL 39-11; SCP 5.4.

**Applicability of Requirements**

Record retention requirements applicable to states, and local governments are codified at Title 2 of the Code of Federal Regulations Part 200. These requirements apply equally to grantees and sub-grantees and include financial and program records, supporting documents, statistical records, and all other records that are either required to be held by regulation or grant agreement or could reasonably be considered as pertinent to regulations or the grant agreement.

**Custody of Records**

To avoid duplicate recordkeeping, WC may make special arrangements with sub-recipients to retain any records which are continuously needed for joint use. WC may request transfer of records to its custody when it determines that the records possess a long-term retention value.

**Disaster Recovery**

Occasionally, records are destroyed by fires, vandalism, or natural disasters such as floods, storms, and earthquakes. Recipients/sub-recipients must have a satisfactory plan of record recovery if critical records are lost.

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**I. Access to Records**

- A.** The Federal awarding agency, the Inspector General, Comptroller General of the United States, or any of their duly authorized representatives, have the right of timely and unrestricted access to any books, documents, papers, or other records (including electronic writings and records) of recipients, sub-recipients, vendors, and others that are pertinent to the award, in order to make audits, examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to a recipient/sub-recipient's personnel for the purpose of interview and discussion related to such documents. For WIOA Title I recipients/sub-recipients, the Director – Office of Civil Rights has the same rights of access described above per the requirements of Title 29 of the Code of Federal Regulations Part 38. The rights of access mentioned in this paragraph are not limited to the required retention period, but shall last as long as records are retained.
  
- B.** The Freedom of Information Act and Privacy Act (5 U.S.C. 552 and 552a) generally do not apply to ETA-funded records in the possession of recipients/sub-recipients. The provisions of these Acts apply to recipients'/sub-recipients' records only if they have been transferred to the Secretary of Labor. There may be limited occasions in which the Privacy Act could apply to records under the provisions of 5 U.S.C. 552 a (m) (1).
  
- C.** Restrictions on public access: The Freedom of Information Act (5 U.S.C. 552) does not apply to records unless required by Federal, State or local law. Recipients and sub-recipients are not required to permit public access to their records.
  
- D.** Personal information may be made available to the one-stop delivery system partners or other entities on a selective basis consistent with the WIOA program participants' signed consent release of information form. In addition, this information may be made available to persons or entities having responsibilities under WIOA Title I awarded funds including representative of:
  - 1. The Department of Labor;
  - 2. The Governor;
  - 3. State Workforce Investment Support Services Division (WISS);
  - 4. Local Workforce Development Board (LWDB);
  - 5. Local One-Stop Career Center (OSCC) operator(s);
  - 6. Local WIOA Title I sub-recipients (WC's service provider(s));
  - 7. Appropriate governmental authorities involved in the administration of WIOA Title I to the extent necessary for its proper administration.
  
- E.** WIOA Title I program participants will have access to all information corresponding to their cases with the respective program and services, unless the records or information are exempt from disclosure.
  
- F.** Termination of relationship: When the relationship with recipients/sub-recipients is terminated, the recipient's/sub-recipient's responsibility for maintenance and retention of records does not end. However, the grantor may want to take custody of the original records to assure that they are available and ready if needed for further audit. Transferring of participant records procedures can be found at WC policy GEN-050-04.



## **II. Record Storage**

- A.** Records shall be retained in a manner that will preserve their integrity and admissibility as evidence in any audit litigation or other proceeding. The burden of production and authentication of the records shall be on the custodian of the records.
- B.** Microfilmed or photocopied records can be substituted for original records if complete and unaltered, because they are generally accepted as admissible for evidentiary purposes.
- C.** In the event data is stored in a computer or similar device, any printout or file readable by sight, shown to reflect the data accurately, is an original. To prove the content of a writing or recording, the original writing or recording is required.
- D.** In general, recipients/sub-recipients of WIOA Title I funds shall keep records that are sufficient to permit the preparation of reports required by Title I of WIOA and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully.

## **III. Confidentiality and Security of Program Participant Records**

- A.** WIOA and its associated regulations requires that all applicant and program participant personal information is and remains confidential. Appropriate efforts must be taken to protect the confidentiality of personal information that is attributable to any specific individual (e.g., address, social security number, telephone number, etc.). It is the policy of Workforce Connections to ensure that program participant personal information is collected, used, and stored in a manner that will not be accessible to unauthorized personnel.
- B.** Personal information is not to be collected unless it is needed for the provision of WIOA Title I services or to determine eligibility for a specific WIOA Title I program. This information may not be used for any purpose other than the program or service for which it was collected unless the applicant or program participant (if the individual is an adult) or a parent or legal guardian of the applicant or program participant (if the individual is a minor or dependent) gives specific written consent for the information to be shared. The applicant or program participant may receive a copy of any information collected from them at their request.

## **IV. Additional Requirements**

- A.** Real Property and Equipment Records must be retained for five (5) years after final disposition [2 CFR Part 200.333 (c)].
- B.** WIOA Title I complaint/grievance records and actions related to resolving complaint/grievance shall be maintained for not less than five (5) years from the date of resolution of the complaint/grievance. In addition, recipients/sub-recipients of WIOA Title I funds must follow the requirements of 29 CFR Part 38, as these regulations apply to the entire organization receiving WIOA Title I funds. These records shall be maintained as a whole record system.
- C.** In implementing record retention policies/procedures, sub-recipients must follow Federal, State and local requirements. However sub-recipients' policies/procedures cannot be less restrictive than WC established requirements.