

South Central Workforce Development Board (SCWDB)



POLICY: RECORD RETENTION POLICY

EFFECTIVE DATE: JULY 1,2016

POLICY NUMBER: 2016-03

SUBJECT: RECORD RETENTION

PURPOSE:

To communicate record retention requirements for members of the Workforce Development Board (WDB), the WDB staff, and any vendors funded under Title I of the Workforce Innovation and Opportunity Act (WIOA).

EFFECTIVE DATE: July 1, 2016

ACTION REQUIRED:

Upon receipt of this policy, it is the recipient's (e.g., vendors, contractors and partners when applicable) responsibility to ensure all staff are informed of the policy and to create

BACKGROUND:

Grantees, subrecipients, and contractors funded under the Workforce Innovation and Opportunity Act (WIOA) must abide by WIOA law, regulations, and guidance, all applicable Office of Management and Budget (OMB) Circulars, state regulations in laws and rules, Kentucky Revised Statutes, and State WIOA policies.

POLICY:

Public agencies and non-public agencies will comply with applicable records retention and disclosure laws in regards to WIOA records. Recipients of WIOA funds must keep records that are sufficient to permit the preparation of reports required by the Secretary of Labor and the tracing of funds to a level of expenditure adequate to ensure that the funds have been spent lawfully. This policy covers both federal and non-federal funding through the South Central WDB to vendors.

Record Retention: Grantees, subrecipients, fiscal agents, and contractors are required to maintain and retain records of all fiscal and program activities funded under WIOA. With some exceptions, such records must be available to the public. The minimum requirements, timeframes for records retention, and extent to which such records may be made available to the public are as follows:

- a. Retain all records pertinent to grants, grant agreements, interagency agreements, contracts or any other awards, including financial, statistical, property, and

supporting documentation, for a period of at least three (3) years after submittal of the final expenditure report (closeout) for that funding period to the awarding agency. Records must be maintained in accordance with WDB's Confidentiality Policy number 2016-02.

- b. Retain all records of non-expendable property for a period of at least three (3) years after final disposition of the property.
- c. Retain all program and data validation records pertinent to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment for a period of not less than three years from the point that the record is no longer included in reportable outcomes (as opposed to the close of the applicant's program year). *For instance: A participant exits in January 2016 and is still reported in the PY 2016 performance report for the period ending June 30, 2016. The record retention period is July 1, 2016 through June 30, 2019.*
- d. Additionally, WDB may require the holding of records for a longer period of time if specified during contract negotiations or in the contract terms.
- e. Retain records regarding complaints and actions taken on complaints for at least three (3) years from the date of resolution of the complaints.
- f. After files have been retained for not less than (4) years, refer to the Kentucky Department for Libraries and Archives' General Records Retention Schedule and KRS 519.060(1)(b) which states a person who "intentionally destroys, mutilates, conceals, removes, or otherwise impairs the availability of any public records" without the authority to do so is guilty of tampering with public records, a Class D felony. A public record may not be disposed of without authorization from the State Archivist. This authorization must be obtained by means of filing a records retention and disposition schedule with the State of Kentucky.
- g. Retain all records beyond the required three (3) years if any litigation or audit is under way or a claim is instituted involving the grant or agreement covered by the records. The records must be retained for at least three (3) years after the litigation, audit, or claim has been resolved.
- h. In the event of the termination of the relationship between WDB and the subrecipient, the subrecipient is responsible for maintaining and retaining their own records for three years as outlined above. WDB, will take responsibility for maintaining and retaining the records of the subrecipient if and/or when the subrecipient provides written notice of its inability to maintain and retain the records.
- i. Copies of records made by microfilming, photocopying, or similar methods may be substituted for original records if they are preserved with integrity and are admissible as evidence. All records must be maintained in a format compatible with current technology.
- j. All records retained beyond the mandatory retention period are subject to audit and/or review.

2. Limitation of Public Access to Records: Personal records of WIOA registrants are private and confidential and will not be disclosed to the public. Personal information will be made available to the WDB, WDB staff, and WDB partners or service providers upon request for the purpose of program and/or financial monitoring and audits. In addition, this information may be made available to persons or entities having responsibilities under WIOA, including representatives of:

- i. The U.S. Department of Labor
- ii. The Governor
- iii. WIOA Grant Recipients and Public Agencies
- iv. State WDB

- v. Local Subrecipients
- vi. WDB Consultants
- vii. WDB Consortium Members/Contractors
- viii. WDB Designated Auditors/Contract Evaluators
- ix. WDB Designated Certification Evaluators

The conditions under which information may be released or withheld are shown below:

- a. WIOA registrants will have access to all information concerning themselves as individuals unless the records or information are exempt from disclosure.
- b. The names of WDB, the WDB and subrecipient staff in positions funded by WIOA, in part or in whole, will be a matter of public record. Other information pertaining to these recipients or subrecipient employees will be made available to the public in the same manner and to the same extent as such information is made available on staff in positions not funded by WIOA.

Applicable Federal Laws and WIOA Regulations:

Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Section 185(a); 2 CFR 200.333-337; 29 CFR 37.37 and 29 CFR 97.42;

Approved:

1-21-2016
Date of WDB Approval

Signed by:


Ron Sowell, WDB Chairman