



Record Retention and Public Access Policy: #2002 Revision 1

Date of Original Policy: March 1, 2009
Effective Revision Date: May 25, 2016

Background:

Workforce Innovation and Opportunity Act (WIOA) Title 1-B, [Washington State Policy #5403](#) requires Local Workforce Development Boards to maintain and retain records of all fiscal and program activities funded under the 2014 Act. Subrecipients and subcontractors funded under WIOA must abide by WIOA law, regulations, guidance, all applicable Office of Management and Budget (OMB) Circulars, state regulations in laws and rules (Revised Code of Washington and Washington Administrative Code), Office of Financial (OFM) policies, and state WIOA policies. If funding is not WIOA, subrecipient and/or subcontractor must follow record retention rules outlined in grant or funding agency.

Policy:

This policy sets forth the following minimum timeframe requirements for records retention, and the extent to which such records may be made available to the public.

Subrecipients/subcontractors 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 were spent lawfully.

1. Record Retention

- a. Retain all records pertinent to the grant, grant agreements, interagency agreements, contracts or any other award, including financial, statistical, property, applicant or registrant records, 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 WSW.
- b. Retain all records of non-expendable property for a period of at least three (3) years after final disposition of property.
- c. Retain all records pertinent to applicants, registrants, eligible applicants/registrants, participants, ineligible applicants, wait listed applicants, employees, and applicants for employment for a period of not less than three (3) years from the point that the record is no longer included in reportable outcomes.
- d. Retain records regarding complaints and actions taken on the complaints for a period of not less than 3 years from the date of resolution of the complaint.
- e. After the files have been retained for the three (3) years, refer to your organization's guidelines for destroying confidential information.
- f. Retain all records beyond the required three (3) years if any litigation or audit is begun or a claim is instituted involving the grant or agreement covered by the records. The

records shall be retained for an additional three (3) years after the litigation, audit, or claim has been resolved.

In the event of the termination of the relationship between WSW and a subrecipient, the subrecipient is responsible for retention of their own records as well as the records of any subcontractors. If the subrecipient is unable to retain records, the following records will be transferred to WSW: all program related records, including contract related personnel records, reports, applicant and participant files, documentation and physical evidence, in addition to documents required by the contract.

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 retained beyond the mandatory retention period are subject to audit and/or review.

2. Limitation of Public Access to Records

Personal records of program registrants (including WIOA) will be private and confidential, and will not be disclosed to the public. Personal information may be made available to WorkSource partners or service providers on a selective basis consistent with the registrant's signed "Release of Information" form. In addition, this information may be made available to persons or entities having responsibilities under WIOA including representatives of:

- a. The Department of Labor
- b. The Governor
- c. WIOA Grant Recipients and Public Agencies
- d. Local Area Subrecipients

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 exempted from disclosure.
- b. The names of WSW staff 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 recipient 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 regarding staff in positions not funded by WIOA.

References:

- [Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Section 185\(a\)](#)
- [2 CFR 200.333-337](#)
- [Federal Register Vol 65 No 127 Rules and Regulations, Disclosure of Records under the Freedom of Information Act](#)
- 29 CFR 37.37
- 29 CFR 97.42
- [RCW 42.17.020\(1\)](#)
- [RCW 42.56](#)
- [RCW 40.14](#)

- [Telford v. Thurston County Board of Commissioners](#)
- [ESD Policy Record Retention 5403](#)

Supersedes:

- SWWDC #2002 WIA Record Retention Dated 3/9/2009

Website:

<http://workforcesw.org/providers#policies>