
RECORD RETENTION and PUBLIC ACCESS POLICY POLICY # 660

Date of Original Policy: February 9, 2009
Effective Date: March 1, 2009

BACKGROUND:

Workforce Investment Act (WIA) Title I-B, Washington State Policy #3415, requires local Workforce Investment Areas to maintain and retain records of all fiscal and program activities funded under the 1998 Act. With some exceptions, such records shall be made available to the public.

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. Each fiscal agent, Southwest Washington Workforce Development Council (SWWDC) administrative office, and any sub recipient of WIA funds shall:

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 the awarding agency.
- 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, terminees, employees, and applicants for employment for a period of not less than three years from the close of the applicant program year.
- 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 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 or for any length of time required in relevant regulations.

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

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 WIA registrants 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 WIA including representatives of:

- a. The Department of Labor
- b. The Governor
- c. WIA Grant Recipients
- d. Local Area Sub recipients
- e. Appropriate governmental authorities involved in the administration of WIA to the extent necessary for its proper administration.

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

- a. WIA registrants will have access to all information concerning themselves as individuals unless the records or information are exempted from disclosure.
- b. The names of SWWDC staff and sub recipient staff in positions funded by WIA, in part or in whole, will be a matter of public record. Other information pertaining to these recipient or sub recipient 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 WIA.
- c. Public agencies responsible for financial and/or program activities under WIA will have public records systems in accordance with RCW 42.17.250. Nongovernmental agencies with such responsibilities will have public records systems which comply with the spirit and intent of RCW 42.17.250.

REFERENCES:

- Public Law 105-220
- 20 CFR Part 652
- 29 CFR 37.37
- RCW.42.17.250