

POLICY DIRECTIVE

To: All work2future providers of services
From: work2future Director
Effective Date: May 2020
SUBJECT: Records Retention
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OPERATIONAL DIRECTIVE

work2future Workforce Development Board
5730 Chamberlin Dr. San Jose, CA 95118
408-794-1200

EXECUTIVE SUMMARY

All Providers of Services must establish, document and implement procedures as specified in the attached Directive. The Local Workforce Investment Areas (work2future) is required to maintain and retain records of all fiscal and program activities funded under the previous legislation and the Workforce Innovative Opportunity Act (WIOA). With some exceptions, such records shall be available to the public. This policy sets forth the minimum requirements the timeframes for records retention, and the extent to which such records may be made available to the public. Based upon a DOL review, revision 1 clarifies the audit status of records which are retained beyond the minimum required time limit.

REFERENCES

U. S. Department of Labor (DOL), Employment and Training Administration (ETA), Training and Employment Guidance Letter (TEGL) 39-11, Guidance on the Handling and Protection of Personally Identifiable Information (PII) (June 28, 2012).

POLICY AND PROCEDURES

Each fiscal agent, work2future administrative office, and any subrecipient of WIOA funds shall: 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.

- Retain all records of non-expendable property for a period of at least three (3) years after final disposition of property.
- 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.
- 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.
- After the files have been retained for the three years, agencies must follow their own organization's guidelines for destroying confidential information.
- 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 the state and a work2future fiscal agent or other WIOA subrecipient, the fiscal agent or subrecipient will be responsible for the maintenance and retention of their own records as well as the records of any subrecipient unable to maintain and retain its own records. The state, however, will be responsible for the maintenance and retention of the records of the fiscal agent or subrecipient unable to maintain and retain its own records or those of its subrecipients.

Copies of records made by microfilming, photocopying, or similar methods may be substituted for the 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.

Limitation of Public Access to Records

Personal records of WIOA registrants/enrolled clients will be private and confidential and will not be disclosed to the public. Personal information may be made available to work2future 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 the Department of Labor.

WIOA registrants/enrolled clients will have access to all information concerning themselves as individuals unless the records or information are exempted from disclosure.

The names of work2future 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 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.

ACTION

Bring this directive to the attention of all appropriate staff and subrecipients.

INQUIRIES

If you require further information regarding this policy, please contact work2future Finance Manager at (408) 794-1146.