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DATE: May 14, 2020

TO: South Bay Workforce Investment Board, South Bay Workforce Investment Board, Inc., South Bay One-Stop Business & Career Centers, Youth Programs, Special Projects, Subrecipients, Contractors, Partners

SUBJECT: **DIRECTIVE NO. 19-02**
RECORDS MAINTENANCE AND RETENTION

PURPOSE

To ensure that all subrecipients, contractors and administrative staff retain all records relative to all grants and agreements under the Workforce Innovation and Opportunity Act (WIOA) for an amount of time adequate to meet the requirements prescribed by statute and program regulation. Financial, statistical, property and participant records are all subject to record retention requirements.

SCOPE

This directive applies to all South Bay Workforce Investment Board, South Bay Workforce Investment Board, Inc., South Bay One-Stop Business Career Centers, Youth Programs, Special Projects, Partners and Services Provider(s).

EFFECTIVE DATE

The directive is effective immediately.

STATE-IMPOSED REQUIREMENTS

Directives that contain additional state-imposed requirements are indicated by **bold, italic type**.

ACTION

Local areas, subrecipients and contractors must develop and implement policies or procedures that comply with this policy. SBWIB will monitor for compliance accordingly.

FILING INSTRUCTIONS

This directive supersedes SBWIB Directive 05-02, dated August 15, 2005. Retain this directive until further notice.

INQUIRIES

If you have any questions regarding this directive, please contact the Compliance Manager at (310) 970-7736.

REFERENCES

- Workforce Innovation and Opportunity Act (WIOA) Public Law 113-128 Section 116(i), Fiscal and Management Accountability Systems
- WIOA Section 184, Uniform Administrative Requirements
- 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule
- 2 CFR Part 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Department of Labor (DOL) Exceptions)
- 2 CFR 200.333

JAN VOGEL
EXECUTIVE DIRECTOR

DEFINITIONS:

Funding Period: The period of time when funds are available for expenditure. The WIOA funding period is the 2-year period. Funds received by local areas from States during a program year may be expended during that program year and the succeeding program year.

Final Expenditure Report for the Funding Period: This is the expenditure report that is submitted with the annual settlement for the program year in which the final expenditures for the funding period are reported.

POLICIES:

1. Records Retention

The SBWIB and its One-Stop Centers operators of the WIOA funds shall:

- 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 submission 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 indirect cost records such as computations or proposals, cost allocation plans, and supporting documentation for three years from the date the indirect cost rate package is submitted for negotiation. If not submitted for negotiation, the three-year period identified in (1) above shall apply;
- d. 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.
- e. Retain records regarding complaints and actions taken on the complaints for a period of not less than three (3) years from the date of resolution of the complaint.
- 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 litigation, audit, or claim has been resolved.

In the event of the termination of the relationship between the grantee and Local Workforce Area (SBWIB) or other WIOA subrecipient / contractor, the SBWIB shall be responsible for the maintenance and retention of the records of any subrecipient / contractor unable to retain them. For subrecipients / contractors unable to keep their records, the grantee will take custody and be responsible for the maintenance and retention of the records of any fiscal agent or subrecipient / contractor unable to maintain and retain.

Copies of records maybe by microfilming, compact disc (CDs), photocopying, or similar methods that maybe substituted for the original records if they are preserved with integrity and are admissible as evidence.

2. Limitation of Public Access to Records

Personal records of WIOA registrants will be private and confidential, and will not be disclose to the public. Personal information may be made available to One-Stop partners or service providers on a selective basis consistent with the registrants signed " Release of Information" form. In addition, this information may be available to persons or entities having responsibility under WIOA including representatives of:

- a. The Department of Labor
- a. The Governor
- b. WIOA Grant Recipients
- c. Local Area subrecipients/ contractors
- d. Appropriate governmental authorities involved in the administration of WIOA to the extent necessary for its proper administration.

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 South Bay Workforce Investment Area staff in positions funded by WIOA on part or whole, will be a matter of public record. Other information pertaining to these recipients, subrecipient / contractor or employees will be made available to the public in the same manner and to the same extent as such information made available on the staff in positions not funded by WIOA.

DISPOSAL

No WIOA records addressed in this policy shall be disposed of without instruction from or approval of the SBWIB. SBWIB with instructions and timelines for disposing of records.

Any records that are confidential in nature, including participant records, must be burned, shredded, or similarly destroyed. Non-confidential records may be discarded.

If there is any outstanding litigation or audit claim begun on records prior to termination of retention, the records will be retained until resolution of litigation or audit claim.



Jan Vogel
Executive Director

The SBWIB is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.