



Southwest Georgia Workforce Development Board (WDB)

Policy Name: Records Retention

Policy/Procedure Number: WIOA-2017-39

Proposed Effective Date: November 29, 2017

Rescinds Policy #39 – Records Retention Dated July 1, 2015

This policy provides guidance for proper maintenance of financial and programmatic records. These records must be accessible to authorized federal and WFD oversight staff and verifiable for monitoring, reporting, audit, and evaluation.

Length of Record Retention:

For both grantees and service providers, records (including all financial and programmatic records, supporting documents, statistical records and other records of grantees or sub-grantees) must be retained for three (3) years following the date on which the expenditures report containing the final expenditures (closeout) charged to a program year's allotment or a grant is accepted by WFD. (2 CFR § 200.333, 29 CFR § 97.42)

- I. Each recipient must maintain the following records, including records of applicants, registrants, eligible applicants/registrants, participation, terminees, employees and applicants for employment for a period of not less than three (3) years from the expenditure report containing the final expenditures (closeout) charged to a program year's allotment or a grant is accepted by WFD. (29 CFR § 38.43)

The record retention period does not start over if final expenditure reports are revised, if these revisions are for the following reasons:

A. Revisions resulting from closeout

Such revisions are considered expenditure adjustments and do not alter the initial time period for retention. The records must be retained for three (3) years from the original submission date of the final expenditure report.

- B. Revisions resulting from litigation, audit/audit resolution, or claims If any litigation, claim, or audit is started before the expiration of the three (3) year period, the records must be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.

C. Program Income

Records for program income transactions after the period of performance. In some cases, recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the



records pertaining to the earning of the program income starts from the end of the non-federal entity's fiscal year in which the program income is earned.

II. Other Retention Regulations

A. Real property and equipment records must be retained for three (3) years after final disposition of the property.

B. WIOA Complaint Records

Actions related to resolving complaints shall be maintained for not less than three years from the date of resolving the complaint. In addition, WIOA grantees and service providers must follow the requirements of 2 CFR §200.333, and 29 CFR 38.43 as these regulations apply to the entire organization receiving WIOA funds. These records should be maintained as a whole record system.

C. Litigation/Audit Records

These records must be retained beyond the prescribed period if any litigation or audit has begun, or if a claim is initiated involving the grant or agreement covered by the records. The records must be retained until resolution of the litigation, audit, or claim and final action is taken; or until the end of the regular three (3) year record retention period, whichever is longer.

D. Failure To Obtain An Audit

A failure to obtain and audit extends the record retention requirement indefinitely. A delay in obtaining an audit or in resolving audit findings extends the record retention period until all audit requirements have been satisfied and all findings have been resolved with the satisfaction of the awarding agency.

E. Indirect Cost Records

Computations or proposals, cost allocation plans, and supporting documentation and records must be retained for three (3) years from the date the indirect cost rate package is submitted for negotiation. If not submitted for negotiation, the records must be maintained for three years from the end of the Program Year that contains the final grant costs.



III. Termination of Relationship

When the relation with an LWDA fiscal agent service provider is terminated, the service provider's fiscal agent's responsibility for maintenance and retention of records does not end. However, WFD may want to take physical custody of the records to assure that they are available if needed in instances where the sub-grantee is unable to physically retain them.

IV. Record Storage

Records shall be retained and stored in a manner that will preserve their integrity and admissibility as evidence in any audit/litigation or other proceeding. Microfilmed or photocopied records can be substituted for original records because they are generally accepted as admissible for evidentiary purposes. The burden of production and authentication of the records shall be on the custodian of the records. Failure to authenticate the records will deny the custodian the right to use it.

When no litigation, claim, negotiation, audit, or other action is pending and when grant expiration dates (per local grant agreements) are within the normal two-year life cycle of the grant, the below guidelines may be used. It is recommended that customer files be alphabetized and placed in banker's boxes with a copy of the report taped to the lid of the box. Boxes should be clearly marked by Program Year and stored in a secure location. (Exceptions may apply)

IV. Other Local Provisions

- A. Records should be kept detailing the documents that are maintained, the location(s) retained, and document purge dates.
- B. In the event a local WIOA Title I service provider becomes unable to retain the required WIOA participant and financial records, or the award for service is terminated by a local workforce board, the records must be transferred to WDB's possession, or the possession of a new service provider as the WDB may direct. Such records must be transmitted within the time period stated by the WDB, and for acceptance in an orderly fashion with documents properly labeled and filed in an acceptable condition for storage.
- C. No service provider's records should be disposed of without the prior written approval of the WDB Executive Director.



- D. In case of doubt, authorization for release or review of any public records generated fully or as part of a WIOA Title I contracted service provider's agreement with the WDB should be directed to the WDB staff.
- E. Service providers must maintain hard copy customer files containing documents and forms in an appropriate storage space that ensures security and confidentiality.
- F. Access to customer file information should be restricted to authorized entities associated with the operation and performance of workforce programs.
- G. Any customer medical information should be recorded on separate forms and stored separately from main program files. To ensure confidentiality, access to these separate medical files should be limited to direct program managers.

Applicable Regulations

2 CFR § 200.333 applies uniformly to all grantees and sub-grantees for grants awarded on or after December 26th, 2014.

29 CFR § 38.43

29 CFR § 97.42

This citation applies equally to grantees and sub-grantees.

This citation includes financial and program records, supporting documents, statistical records, and other records

that are either required to be held by regulation or grant agreement or could reasonably be considered as pertinent to regulation or the grant agreement.

REFERENCES

Workforce Innovation and Opportunity Act
2 Code of Federal Regulation (CFR) 200
State Workforce Division Policy Manual