



## **POLICY: RECORD RETENTION POLICY**

**EFFECTIVE DATE: MAY 1, 2016**

**POLICY NUMBER: 2016-01**

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### **PURPOSE**

To communicate record retention requirements for members of the Workforce Development Board (WDB), WorkSource Montgomery staff, and any vendors funded under Title I of the Workforce Innovation and Opportunity Act (WIOA).

### **BACKGROUND**

Public agencies and non-public agencies will comply with applicable records retention and disclosure laws in regards to WIOA records. Recipients of WIOA funds 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 have been spent lawfully. This policy covers both federal and non-federal funding through WorkSource Montgomery (WSM) to vendors.

### **ACTION REQUIRED**

It is the CEO and program operator's (e.g., vendors, partners) responsibility to inform all staff of the policy and ensure adherence and accountability of its contents.

### **QUESTIONS**

Questions relating to this policy should be directed to Vice President of Industry Engagement and Job Services at [policy@worksourcemontgomery.com](mailto:policy@worksourcemontgomery.com) or at 240.403.4102.

## RECORD RETENTION

### Record Retention

Grantees, subrecipients, fiscal agents, and contractors are required to maintain and retain records of all fiscal and program activities funded under WIOA. With some exceptions, such records must be available to the public.

Program operators must retain records in a way that protects the confidentiality and personal information of participants. Records must be secured in locked file cabinets, locked file areas or desks that do not permit unauthorized users access.

Types of records that must be maintained:

- Records pertinent to grants, grant agreements, interagency agreements, contracts or any other awards, including financial, statistical, property, and supporting documentation.
- Records of non-expendable property.
- Program and data validation records pertinent to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment.
- Records regarding complaints and actions taken on complaints.
- 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 must be maintained in a format compatible with current technology.

In the event of the termination of the relationship between WSM and the subrecipient, the subrecipient is responsible for maintaining and retaining their own records for the required retention timeframe. WSM will take responsibility for maintaining and retaining the records of the subrecipient if and/or when the subrecipient provides written notice of its inability to maintain and retain the records.

### Limitation of Public Access to Records

Personal records of WIOA registrants are private and confidential and will not be disclosed to the public. Personal information will be made available to the WDB, WSM staff, and WSM partners or service providers upon request for the purpose of program and/or financial monitoring and audits.

In addition, this information may be made available to persons or entities having responsibilities under WIOA, including representatives of:

- The U.S. Department of Labor
- The Governor
- WIOA Grant Recipients and Public Agencies
- Governor's Workforce Development Board
- Local Subrecipients
- WSM Consultants
- WSM Consortium Members/Contractors
- WSM Designated Auditors/Evaluators

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 exempt from disclosure.
- b. The names of WSM, the WDB and subrecipient staff in positions funded by WIOA, in part or in whole, will be a matter of public record. Other information pertaining to the 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 on staff in positions not funded by WIOA.

### Retention Timeframes

All records using WIOA funds must be maintained for a minimum of three (3) years beyond the length of time in use. Additionally, WSM may require the holding of records for a longer period if specified during contract negotiations or in the contract terms.

Additional requirements related to record retention timeframes:

- Grant agreements must be maintained 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.
- Records of property must be maintained for three years beyond the final disposition of the property.
- Performance-related data must be kept at least three (3) years from the point that the record is no longer included in reportable outcomes, as opposed to the close of the applicant's program year. *For instance: A participant exits in January 2016 and is still reported in the PY 2016 performance report for the period ending June 30, 2016. The record retention period is July 1, 2016 through June 30, 2019.*
- Retain all records beyond the required three (3) years if any litigation or audit is under way or a claim is instituted involving the grant or agreement covered by the records. The records must be retained for at least three (3) years after the litigation, audit, or claim has been resolved.

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

### Destruction of Records

Any documents or data collected in error or that must be destroyed, must be shredded, and not placed in a public or accessible trash receptacle.

After files have been retained for at least three (3) years, refer to the Annotated Code of Maryland State Government Article 10, sections 608-611 and COMAR 14.18.02 which states "The willful, unauthorized destruction or alienation of any public record is a misdemeanor subject to criminal penalties set forth in the Annotated Code of Maryland (Criminal Law Article 8, section 606). A public record may not be disposed of without authorization from the State Archivist. This authorization must be obtained by means of filing a records retention and disposition schedule with the State of Maryland."

## MONITORING

WSM acknowledges that the U.S. Department of Labor and the State of Maryland has the authority to monitor and assess WIOA Title I programs. To ensure that policies are being followed and expectations are being met, WSM staff or a designee will periodically monitor services to ensure compliance. It will be the responsibility of the program operator to make any corrections and to conduct an internal review if areas of concern are found. Further details can be found in the Performance and Compliance Monitoring Manual.

## DISCLAIMER

This policy is based on WSM's interpretation of the statute, along with the Workforce Investment and Opportunity Act; Final Rule released by the U.S. Department of Labor and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

## REFERENCES

### Law

- [Workforce Innovation and Opportunity Act of 2014 \(WIOA\)](#)
- Public Law 113-128, Section 185(a)
- 2 CFR 200,333-337; 29 CFR 37.37 and 29 CFR 97.42; and
- Maryland Code Annotated, State Government Article 10, Sections 608-611, Criminal Law Article 8, Section 606 and Code of Maryland Regulations ("COMAR") 14.18.02.

### Approved by

CEO of WorkSource Montgomery, Inc.  
Montgomery County Workforce Development Board