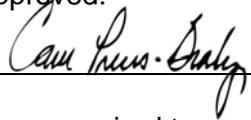


Department of Community Colleges and Workforce Development	Number: 589-40.4
	Revised: 06/04/07
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SUBJECT: Workforce Investment Act Title IB Records Retention and Public Access	Approved: 

Purpose: Local Workforce Investment Areas (LWIAs) and subrecipients are required to maintain and retain records of all fiscal and program activities funded under the Workforce Investment Act of 1998 (WIA). With few 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.

References: Public Law 105-220
29 CFR 97.42
29 CFR 95.53
29 CFR Part 37
ORS Chapter 192 — Public and Private Records; Public Reports and Meetings
One-Stop Comprehensive Financial Management Technical Assistance Guide
Chapters II – 14

Definitions: Public record: Any form of recorded information, both received and created, that provides evidence of the decisions and actions of a public authority while undertaking its business activities. A public record can be found in any format – not just traditional paper records.

Starting date of retention period: When grant support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the day the grantee or subgrantee submits to the awarding agency its single or last expenditure report for that period. However, if grant support is continued or renewed quarterly, the retention period for each year's records starts on the day the grantee submits its expenditure report for the last quarter of the Federal fiscal year. In all other cases, the retention period starts on the day the grantee submits its final expenditure report. If an expenditure report has been waived, the retention period starts on the day the report would have been due.

Policy: All LWIAs and subrecipients must comply with Federal record retention rules and regulations. Governmental subrecipients must follow the record retention requirements specified at 29 CFR 97.42 and nongovernmental grantees must follow the requirements specified at 29 CFR 95.53 related to the retention and disposition of records. In addition, subrecipients of WIA funds must retain records related to the disposition of property and records specified under 29 CFR Part 37. These requirements are summarized below and require that each fiscal agent, Local and Regional Workforce Investment Board (L/RWIB), and any subrecipient of WIA funds shall:

1. Retain all records pertinent to the grant, grant agreements, interagency agreements, contracts or any other award, including financial, statistical, or other pertinent records, and supporting documentation, for a period of at least three years after the original submittal by the State of Oregon Department of Community Colleges and Workforce Development (CCWD) of the final expenditure report (closeout) for that funding period to the federal Department of Labor, the awarding agency;

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2. Retain all records of non-expendable property for a period of at least three years after final disposition of property;
3. 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;
4. 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. Such records must be maintained as whole record system;
5. Retain records regarding complaints and actions taken on the complaints for a period of not less than three years from the date of resolution of the complaint;
6. Retain all records beyond the required three years if any litigation or audit has begun or a claim is instituted involving the grant or agreement covered by the records. The records shall be retained until the litigation, audit, or claim has been resolved or the required three years, whichever period is longer.

In the event of the termination of the relationship between the grantee (CCWD) and a LWIA fiscal agent or other WIA 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 in accordance with the time frames contained in this policy. For those subrecipients 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 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 considered as admissible as evidence.

Limitation of Public Access to Records

Personal records of WIA registrants will be private and confidential in compliance with State statutory requirements contained in ORS 192, and will not be disclosed to the public. Personal information may be made available to One-Stop 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:

1. The Department of Labor;
2. The governor;
3. WIA grant recipients;
4. LWIA subrecipients;
5. Appropriate governmental authorities involved in the administration of WIA to the extent necessary for its proper administration.

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

1. WIA registrants will have access to all information concerning themselves as individuals unless the records or information are exempted from disclosure.
2. The names of One-Stop staff and subrecipient 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 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 WIA.
3. Public agencies responsible for activities under WIA will have public records systems in accordance with ORS 192.420. Nongovernmental agencies with such responsibilities will have public records systems, which comply with the spirit and intent of ORS 192.420.

Procedure:

Responsibility

Action

- | | |
|---------------|---|
| Subrecipient: | 1. Establish record retention and public access procedures pursuant to this policy. |
| CCWD: | 2. Monitor subrecipients for compliance with this policy. |
| | 3. Post message on CCWD website when records retention period is complete and records may be destroyed. |