
Records Retention and Public Access Policy

Policy Number: 3004, Rev. 1

Effective Date: 9-1-21

Supersedes: Records Retention and Public Access Policy #3004, released July 1, 2015

PURPOSE

This policy sets forth the minimum requirements for WorkForce Central and its subrecipients and contractors for record retention timeframes and the extent to which such records may be made available to the public. This policy is applicable only to records produced under federally awarded grants.

BACKGROUND

Federally awarded grantees, subrecipients, and contractors must abide by applicable federal laws, regulations, and guidance to include [Office of Management and Budget \(OMB\) Circulars](#); State regulations in laws and rules (e.g., [Revised Code of Washington](#) and [Washington Administrative Code](#)); and Office of Financial Management (OFM) policies under the [Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards](#). Record Retention and Access requirements are provided at [2 CFR Part 200.333](#) and Employment Security Department (ESD) [Policy 5403-Records Retention and Public Access](#).

POLICY

Federally awarded grantees, subrecipients, fiscal agents, and contractors are required to maintain and retain records of all fiscal and program activities funded under federal grants. Recipients of federal 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. With some exceptions, such records must be available to the public.

Public agencies and non-public agencies must comply with applicable records retention and disclosure laws. While ESD's WIOA Policy 5403 – Records Retention and Public Access requires a minimum 3-year retention timeframe for the documents referenced in this policy, WorkForce Central has elected to align its record retention schedule with the Secretary of State Washington State Archives Local Government Common Records Retention Schedule which requires a minimum six (6) year record retention timeframe. WorkForce Central follows the Local Government record retention, archiving and document destruction guidelines provided by the [Office of the Secretary of State Washington State Archives](#).

The minimum requirements, timeframes for records retention, and extent to which such records may be made available to the public are as follows:

RECORD RETENTION

- Retain all records pertinent to grants, grant agreements, interagency agreements, contracts, or any other award, including financial, statistical, property, and supporting documentation, for a period of at least six (6) 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 six (6) years after final disposition of the property.

- For WIOA Title I records, retain all program and data validation records pertinent to applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment for a period of not less than six (6) 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).
 - Example: A participant exits in January 2020 and is still reported in the PY20 performance report for the period ending June 30, 2021. The record retention period is July 1, 2021 through June 30, 2027.
- When applicable, WIOA Title I federally funded 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 WorkForce Central's fiscal year in which the program income is earned.
- Retain records regarding complaints and actions taken on the complaints for at least six (6) years from the date of resolution of the complaints.
- After documents have been retained for the six (6) years, staff shall refer to their organizations' guidelines for archiving and/or destroying of confidential information.
- 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 retained beyond the mandatory retention period are subject to audit and/or review.
- Records for real property and equipment acquired with federal funds must be retained for 6 years after final disposition.
- Indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates) will be retained based on:
 - If submitted for negotiation, the proposal plan, or other computation required to form the basis for negotiation of the rate, the 6-year retention period for its supporting records starts from the date of such submission.
 - If not submitted for negotiation, the proposal plan, or computation and its supporting records, the 6-year retention period starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

Exceptions to the six (6) year retention policy

- Retain all records beyond the required six (6) 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 six (6) years after the litigation, audit, or claim has been resolved.
- In the event of a termination of the relationship between WorkForce Central and a federally funded sub-recipient, the sub-recipient will be responsible for the maintenance and retention of their records for the minimum six (6) year timeframe. However, if the sub-recipient is unable to maintain and retain its own records, WorkForce Central will assume the responsibility of maintaining and retaining the sub-recipient's federally funded records at which time the sub-recipient is no longer subject to the six (6) year record retention policy.
- When records are transferred to or maintained by the federal awarding agency or pass-through entity, the 6-year retention policy is no longer applicable to WorkForce Central.

PUBLIC ACCESS TO RECORDS

Records Available to the Public

The names of staff in positions funded by federally awarded grants, in part or in whole, will be a matter of public record. Other information pertaining to these employees will be made available to the public in the same manner and to the same extent as such information is made available about staff in

positions not funded with federal resources.

Any information posted to WorkForce Central social media sites are public records and subject to public disclosure under the Public Records Act at [RCW 42.56](#).

Records not Available to the Public

Personal records of federally funded registrants will be private and confidential and will not be disclosed to the public. WIOA Title I registrants' personal information may be made available to WorkSource partners or service providers on a selective basis consistent with the registrant's signed "[Authorization to Share Information and Records](#)" form located in the registrant's program file. Federally funded registrants' personal information may be made available to persons or entities having responsibilities under the federally funded grant, including representatives of the U.S. Department of Labor, the Governor, applicable federally funded grant recipients, and public agencies.

Federally funded registrants will have access to information concerning themselves unless the records or information are exempt from disclosure.

REFERENCES

- Public Law 113-128, WIOA of 2014, Section 185(a)
- 2 CFR Parts 200.333-.337
- 29 CFR 37.37
- 29 CFR 97.42
- RCW.42.56
- RCW 40.14
- RCW42.17.020(1)
- Telford v. Thurston County Board of Commissioners
- Secretary of State Washington State Archives Local Government Common Records Record Retention Schedule
- ESD WIOA Policy 5403 - Records Retention and Public Access

APPROVED



[Katie Condit \(Sep 1, 2021 16:50 PDT\)](#) Sep 1, 2021

Katie Condit, WFC CEO Date

EQUAL OPPORTUNITY - EQUAL ACCESS

WorkForce Central is an equal opportunity employer/program.

Auxiliary aids and services are available upon request for individuals with disabilities. Washington Relay Service – 711.