



Records Maintenance and Disposition Policy

Department: Office of Economic & Workforce Development

Effective Date: March 1, 2023

Directive #: WDD 23-28

Supersedes: 28-12

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.

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)

BACKGROUND

Grantees, subrecipients, and contractors funded under the Workforce Innovation and Opportunity Act (WIOA) must abide by WIOA law, regulations, and guidance, all applicable Office of Management and Budget (OMB) Circulars, State and Local policies.

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 AND PROCEDURES:

OEWD and its service providers will incorporate into their management systems the following procedures for the management of all Workforce Innovation and Opportunity Act (WIOA) records.

Records Retention

WIOA funded service providers shall:

- 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.
- Retain all records of non-expendable property for a period of at least three (3) years after final disposition of property.
- Retain indirect cost records such as computations or proposals, cost allocation plans, and supporting documentation for three (3) years from the date the indirect cost rate package is submitted for negotiation.
- 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.
- 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.
- 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 OEWD or other WIOA subrecipient / contractor, OEWD 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 may be substituted for the original records if they are preserved with integrity and are admissible as evidence.

Limitation of Public Access to Records

Personal records of WIOA registrants will be private and confidential and will not be disclosed to the public. Personal information may be made available to Job Center 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:

- The Department of Labor
- The Governor
- WIOA Grant Recipients
- Local Area subrecipients/ contractors
- 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:

- WIOA registrants will have access to all information concerning themselves as individuals unless the records or information are exempted from disclosure.
- The names of San Francisco 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 OEWD. 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

INQUIRIES

Inquiries should be addressed to the OEWD Director of Workforce Strategy at (415) 701-4848 or email workforce.connection@sfgov.org.

OEWD and its service providers shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.