

## **Workforce Investment Act Title I-B Washington State Policies**

### **SECTION C: General Administration**

*Grantees, subrecipients, and contractors funded under the Workforce Investment Act (WIA), whether in whole or in part, must abide by the Workforce Investment Act of 1998, the WIA regulations, all applicable Office of Management and Budget (OMB) circulars, state requirements in laws and rules (Revised Code of Washington and Washington Administrative Code), Office of Financial Management (OFM) policies and the Washington State WIA policies.*

**EFFECTIVE DATE:** June 9, 2006  
**WIA POLICY NUMBER:** 3415, Revision 2  
**SUBJECT:** Records: Retention and Public Access

[BACKGROUND](#) | [REFERENCES](#) | [SUPERSEDES](#) | [WEBSITE](#) | [INQUIRIES](#)

#### **BACKGROUND**

Local Workforce Investment Areas (WDA)s are required to maintain and retain records of all fiscal and program activities funded under the Workforce Investment Act of 1998 (WIA). With some 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. Based upon a DOL review, revision 1 clarifies the audit status of records which are retained beyond the minimum required time limit.

##### 1. Records Retention

Each fiscal agent, Workforce Development Council (WDC) administrative office, and any subrecipient of WIA funds shall:

- a. Retain all records pertinent to the grant, grant agreements, interagency agreements, contracts or any other award, including financial, statistical, property and supporting documentation, 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.
- b. Retain all records of non-expendable property for a period of at least three (3) years after final disposition of property.
- c. 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 three years from the point that the record is no longer included in reportable outcomes (not from the close of the applicant's program year). Example: A participant exits in January 2013 and is still reported in the PY 2014 WIA annual report for the period ending June 30, 2015. The record retention period is July 1, 2015 to July 1, 2018.
- d. Retain records regarding complaints and actions taken on the complaints for a period of not less than 3 years from the date of resolution of the complaint.

- e. After the files have been retained for the three years, refer to your organization's guidelines for destroying confidential information.
- f. 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 the litigation, audit, or claim has been resolved.

In the event of the termination of the relationship between the state and a WDC 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. The state, however, will be responsible for the maintenance and retention of the records of the 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 admissible as evidence.

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

## 2. Limitation of Public Access to Records

Personal records of WIA registrants will be private and confidential, and will not be disclosed to the public. Personal information may be made available to WorkSource 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:

- a. The Department of Labor
- b. The Governor
- c. WIA Grant Recipients
- d. Local Area Subrecipients
- e. Appropriate governmental authorities involved in the administration of WIA to the extent necessary for its proper administration

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

- a. WIA registrants will have access to all information concerning themselves as individuals unless the records or information are exempted from disclosure.
- b. The names of WDC 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.
- c. Public agencies responsible for financial and/or program activities under WIA will have public records systems in accordance with RCW 42.17.250. Nongovernmental agencies with such responsibilities will have public records systems which comply with the spirit and intent of RCW 42.17.250.

## REFERENCES

- Public Law 105-220
- 20 CFR Part 652
- 29 CFR 37.37
- 29 CFR 97.42
- RCW.42.17.250

## **SUPERSEDES**

Workforce Investment Act Title I-B Policy 3415, Revision 1

## **WEBSITE**

<http://www.wa.gov/esd/1stop/policies/title1b.htm>

## **DIRECT INQUIRIES TO**

*Employment System Policy & Integrity*  
*(360) 902-9797*  
*SystemPolicy@esd.wa.gov*