



RECORDS RETENTION AND PUBLIC ACCESS POLICY

Policy Number: 1150

Effective Date: June 16, 2023

A. BACKGROUND

In conformance with Washington State Policy Number 5403: Retention and Public Access, for Title 1-B of the Workforce Innovation and Opportunity Act (WIOA), Workforce Snohomish (WFS) has developed this policy for retention of and access to records.

B. POLICY

Workforce Snohomish requires all subrecipients and contractors to retain and provide access to records of all fiscal and program activities funded under WIOA as outlined:

Records Retention

Each subrecipient and contractor shall:

- (1) Retain all records pertinent to grants, grant agreements, interagency agreements, contracts, or any other awards, including financial, statistical, property and supporting documentation pertinent to its subaward(s) for a period of at least three (3) years after submittal of the closeout report for the subaward(s) to WFS.
- (2) Retain all records of non-expendable property for a period of at least three (3) years after final disposition of the property.
- (3) Retain all program and data validation records pertinent to applicants, registrants, and eligible applicants/registrants, participants, terminees, employees and applicants for employment for a period of not less than six (6) years from the end of the fiscal year.

- (4) If any litigation, claim, or audit is started before the expiration of the appropriate records retention period, the records must be retained for six (6) years beyond the resolution of all litigation, claims, or audit findings involving the records and final action taken.
- (5) Retain records regarding complaints and actions taken on complaints for at least three (3) years from the date of the resolution of the complaints.

In the event of the termination of the relationship between the State and an LWDB's fiscal agent or other WIOA subrecipient, the fiscal agent or other subrecipient is responsible for maintaining and retaining their own records as well as the records of any subrecipient unable to maintain and retain its own records. The State, however, is responsible for maintaining and retaining the records of the fiscal agent or other 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 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.

Limitation of Public Access to Records

Records of the corporation are private and confidential and will not be disclosed to the public. Personal information on program participants is likewise confidential and will not be disclosed. Personal information may be made available to WorkSource partners on a selective basis consistent with a given participant's signed Consent Form. In addition, this information is to be available to representatives of entities having responsibilities under WIOA including:

- United States Department of Labor
- State of Washington
- Snohomish County
- Workforce Snohomish
- The Washington State Governor's office
- Grant Recipients
- Appropriate governmental authorities involved in the administration of grants or contracts to the extent necessary for its proper administration
- The Federal grant-awarding agency
- The Corporation's Auditors and Monitors
- Inspector General
- The Comptroller of the United States or any of their duly authorized representative as mandated by 29 CFR Part 95.53(e)

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

- (1) WIOA registrants have access to all information concerning themselves as individuals unless the records or information are exempted from disclosure.
- (2) The names of WFS staff and subrecipient staff in positions funded by WIOA, in part or in whole, will be a matter of public record. Other information pertaining to these employees shall be made available to the public in the same manner and to the same extent as such information is made available for staff not funded by WIOA.

C. DEFINITIONS:

N/A

References:

- [Washington Workforce Policy 5403 Records Retention and Public Access](#)

Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Section 185(a)

- 2 CFR 200.333-337
- 29 CFR 37.37
- 29 CFR 97.42
- RCW 42.56
- RCW 40.14
- RCW 42.17.020(1)
- Telford v. Thurston County Board of Commissioners

Supersedes:

- Memorandum #05-19

Attachments:

N/A