

# North Central Workforce Development Area

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## LOCAL DIRECTIVE

Directive #: <u>16-140 Rev 1</u>	Date: <u>10/10/2023</u>
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TO: Staff and Service Providers  
FROM: Lisa Romine, CEO  
SUBJECT: Records Retention & Public Access  
SUPERSEDES: Local Directive 16-140

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### CHANGES IN THIS REVISION:

- 1) Aligns retention of records pertinent to applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment to 6 years.
  - 2) Defines requirements for retention of records if any litigation or audit is under way, or a claim is instituted involving the grant or agreement covered by the records.
  - 3) Updates references throughout.
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This Directive sets forth the minimum timeframes for records retention, and the extent to which such records may be made available to the public.

#### 1. Records Retention

SkillSource, fiscal agent for North Central Workforce Development Area, and any subrecipient of federal funds shall:

- a. 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 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 six (6) years after the end of the fiscal year.

- 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 required number of years they will be shredded.
- f. Retain all records beyond the required three (3) or six (6) years if any litigation or audit is underway 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 the termination of the relationship between SkillSource and the State, SkillSource will be responsible for the maintenance and retention of their own records as well as the records of any sub-recipient unable to maintain and retain its own records. The State, however, will be responsible for the maintenance and retention of the records if SkillSource is unable to maintain and retain its own records or those of its subcontractors.

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 WIOA registrants will be private and confidential, and will not be disclosed to the public. Personal information may be made available to One-Stop partners, affiliates, 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 WIOA including representatives of:

- The U.S. Department of Labor
- The Governor
- WIOA Grant Recipients and Public Agencies
- Local Subrecipients

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

- a. WIOA registrants will have access to all information concerning themselves as individuals unless the records or information are exempted from disclosure.
- b. The names of SkillSource staff and sub-recipient staff in positions funded by WIOA, 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 on staff in positions not funded by WIOA.
- c. Board meeting schedules and minutes shall be posted online.

## REFERENCES

- Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Section 185(a)
- [WorkSource Policy 5403 Rev 1](#)
- 2 CFR 200.333-337
- [RCW.42.56](#)
- [RCW 40.14](#)
- [RCW 42.17.020\(1\)](#)
- [Telford v. Thurston County Board of Commissioners](#)