
FLORIDAWORKS
Policies & Procedures

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SOP Number: #	Subject: Record Retention and Disposition
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PURPOSE

To provide record retention requirements for subrecipients of Workforce Investment Act (WIA) funds that will ensure compliance with State and Federal laws.

Local Workforce Investment Boards (LWIB)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.

REFERENCES

- Public Law 105-220
- 20 CFR Part 652
- 29 CFR 37.37
- 29 CFR 97.42
- 29 CFR 95.53
- Article 1, Section 24 of the Florida Constitution
- Section 119.07, Florida Statutes
- AWI FG 02-033
- State of Florida General Records

POLICY

It is the policy of FloridaWorks that State and Federal record retention rules and regulations are followed. Governmental subrecipients must follow the record retention requirements specified at 29 CFR 97.42 and nongovernmental grantees must follow the requirements specified at 29 CFR 95.53 related to the retention and disposition of records. In addition, records related to the disposition of property and records specified under 29 CFR Part 37 must be retained. These requirements are summarized below:

1. Records Retention

- 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 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.
- d. Retain records regarding grievances and discrimination complaints for a period of not less than 3 years from the date of the resolution of the complaint.
- e. 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 until the litigation, audit, or claim has been resolved or the required three years, whichever period is longer.

FloridaWorks must ensure all contractors will be required to include record retention procedures in their contractual agreement and must ensure compliance through monitoring. In the event of the termination of the relationship with a contractor, FloridaWorks shall be responsible for the maintenance and retention of Region 9 records and/or may designate an interim provider to maintain such records as appropriate.

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. Access to Records

The term confidential refers to entire record system, specific records, or individually identifiable data that by law are not subject to public disclosure under Article 1, Section 24 of the Florida Constitution and Section 119.07, Florida Statutes. When applicable, confidentiality covers all documents, papers, computer files, letters and all other notations of records or data that are designed by law as confidential. Further the term confidential also covers the verbal conveyance of data or information that is confidential.

- a. FloridaWorks, the Agency for Workforce Innovation (AWI), the Dept. of Labor, Office of Inspector General, and the Controller General of the U.S. or any of their authorized representatives have the right of timely and reasonable access to any books, documents, papers, computer records, or other records of recipients and subrecipients that pertinent to the grant. They have the right to conduct audits and examinations, and to make excerpts, transcripts, and photocopies of such documents. This right also includes timely and reasonable access to recipient and subrecipient personnel for the purpose of interview and discussion related to such documents.
- b. WIA records are public records pursuant to Section 185; however, public access is not allowed if disclosure of information would constitute a clearly unwarranted invasion of

personal privacy; and the information constitutes a trade secret, or commercial or financial information that is obtained from a person that is privileged or confidential.

- c. The right of access in this section is not limited to the required retention period, but shall last as long as the records are retained.

3. Record Storage

Records must be retained and stored in a manner which preserves their integrity and admissibility as evidence in any audit or other proceeding. The burden of production and authentication of the records shall be on the custodian (i.e. service provider) of the records.

Open cases shall be stored at the facility (i.e. One Stop) in which the case is assigned and case managed. Closed cases shall be stored at the facility for no less than one year from the case closure (exit) date for appropriate follow-up services. The provider may then elect to store files exceeding this one-year timeframe at the FloridaWorks Board storage unit. If the provider elects to do so, it is that provider's responsibility to ensure the files are organized in a concise manner (i.e. alphabetically by last name and program) and placed in clearly labeled storage boxes identifying the contents. The service provider must contact the FloridaWorks Administrative Entity for review, approval, and to coordinate transfer of files to the storage unit.

The service provider must provide FloridaWorks with a file / record storage and maintenance procedure for approval to include such specifics as (but not limited to) file storage location(s) (i.e. centralized, locked storage unit), method to transfer and/or remove case files from primary locations (i.e. sign out log), and/or any other relevant methodology established to maintain the integrity of the case files in the One Stop Career Centers.

4. Disposition

Once the minimum retention has been met, disposition of the records may occur. In this event, both paper and/or microfilm will be shredded and the waste product then recycled or placed in a landfill. This form of disposal provides maximum security for sensitive or confidential documents. Electronic records may result in erasure. The service provider must contact the FloridaWorks Administrative Entity for review, approval, and to coordinate disposition of records.

5. Non-WIA Programs (TANF, etc.)

Reference AWI FG 02-033 "Confidentiality of Records and Public Records Requests and Subpoenas" for specific guidelines regarding all other programs (i.e. TANF) integrated within the One Stop service delivery system. The service provider's approved records maintenance policy shall apply to all programs under its operation while adhering to the record retention timeframes and policy outlined herein. In addition, for the Welfare Transition program, the records must be maintained at the One Stop Career Center one year following case closure or one year following the conclusion of transitional support services provided.