

THE MISSISSIPPI PARTNERSHIP WORKFORCE DEVELOPMENT AREA

Records Retention and Public Access Policy

Revised July 1, 2015

The Mississippi Partnership Records Retention and Public Access Policy

I. Scope and Purpose

Subgrantees and contractors funded under the Workforce Innovation and Opportunity Act (WIOA), whether in whole or in part, must abide by the Workforce Innovation and Opportunity Act of 2014, the WIOA regulations, all applicable Office of Management and Budget (OMB) circulars, state and local area requirements in laws and rules, and state and local area WIOA policies.

This policy sets forth the criteria and rules for the application of the WIOA and its regulations regarding the retention of records and public access as found in OMB Circular 2 CFR Part 200 and the Mississippi State Code.

This policy is established to ensure that the Mississippi Partnership Local Workforce Development Area and its contractors and subgrantees properly maintain and retain records of all fiscal and program activities funded under the WIOA. With some exceptions, such records shall be available to the public. This policy sets forth the minimum requirements and timeframes for records retention, and the extent to which such records may be available to the public.

II. Requirements

A. Records Retention

Each subgrantee and contractor of WIOA funds shall:

1. Retain all records pertinent to the grant, grant agreements, interagency agreements, contracts or any other award, including financial, statistical, property, cost allocation plans, audit reports, 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 fiscal agent.
2. Retain all records of non-expendable property for a period of at least three (3) years after final disposition of property.
3. Retain all records pertinent to employees, and applicants for employment for a period of not less than three (3) years from the close of the applicant program year.
4. Retain all records pertinent to participants for a period of not less than four (4) years from the close of the program year during which

the participant exited. For example – the record for a participant who exits May of 2015 may be destroyed after June 30, 2019.

5. 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.
6. Have written guidelines in place for the disposal of confidential information after the files have been retained for the minimum amount of time required.
7. Retain all records beyond the required minimum of time 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.

Records containing Personally Identifiable Information must be maintained in a manner as to ensure confidentiality of such information.

In the event of the termination of the relationship between Three Rivers PDD and the WIOA subgrantee/contractor, the fiscal agent will establish who is responsible for the maintenance and retention of the records.

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.

B. 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 Workforce Investment Network (WIN) in Mississippi partners or service providers on a selective basis consistent with the registrant's signed Signature & Attestation Form. In addition, this information may be made available to persons or entities having responsibilities under WIOA, including representatives of:

1. The U. S. Department of Labor;
2. The Office of the Governor;
3. WIOA Grant Recipients;

4. Local Area Subrecipients; and
5. 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:

1. WIOA registrants will have access to all information concerning themselves as individuals unless the records or information are exempted from disclosure.
2. The names of LWIA staff and subgrantee/contractor staff in positions funded by WIOA, in part or in whole, will be a matter of public record. Other information pertaining to these grantee or subgrantee 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.
3. Public agencies responsible for financial and/or program activities under WIOA will have public records systems in accordance with Mississippi Code Title 25 Chapter 61 relating to Public Access to Public Records. Nongovernmental agencies with such responsibilities will have public records systems which comply with the spirit and intent of Mississippi's Sunshine Law. State and local entities may establish additional guidelines related to what final, formal documentation will be shared. Exceptions to sharing data are listed at WIOA Section 185(A)(4), the Freedom of Information Act & Privacy Act (applies only to records transferred to the Secretary of Labor), and Mississippi's Sunshine Law. A nominal fee may be charged to recover costs of processing information requests.

C. Procedures for Disposal of Records

Each subgrantee or contractor of WIOA funds shall have written procedures for the timely and prudent disposition of records, i.e. an inventory listing destroy dates and method of disposal, such as shredding, of files.

III. Effective Date

This policy is effective July 1, 2015.