

**THE OREGON CONSORTIUM & OREGON WORKFORCE ALLIANCE
POLICY MEMORANDUM #WIA-15- R03/05**

DATE: March 11, 2005

SUBJECT: Record Retention, Maintenance, Disposition, Disclosure and Confidentiality

REFERENCES:

- Workforce Investment Act, Section 185 & 189
 - Title 20 Code of Federal Regulations (CFR) 667.200
 - Title 29 CFR 37, 39 and 41
 - Title 29 CFR 97.42
 - Title 29 CFR 95.53
 - Oregon Administrative Rules 151-020-0065, 151-020-0075 & 151-020-0090
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PURPOSE:

To provide record retention, maintenance and disposition procedures for The Oregon Consortium & Oregon Workforce Alliance (TOC/OWA), its regional subgrant recipients, and lower tier subrecipients that will ensure compliance with state and federal law.

BACKGROUND:

Oregon Revised Statute 192.105(2) requires that "if federal funds are involved, record retention requirements of the United States Government must be observed. "

DEFINITIONS:

Funding Period: The period of time when funds are available for expenditure. The WIA funding period is the 2-year period specified in WIA Section 189 (g): Funds received by local areas from States during a program year may be expended during that program year and the succeeding program year.

Final Expenditure Report for the Funding Period: This is the expenditure report that is submitted with the annual settlement for the program year in which the final expenditures for the funding period are reported.

POLICY:

TOC/OWA and regional sub grant recipients will incorporate into their management systems the following procedures for the management of all WIA records.

General

All records and documents pertinent to all WIA grants and agreements including financial, programmatic and statistical information, and their supporting documents for each funding period shall be retained for a period of at least three (3) years after the original submittal by the State of Oregon/CCWD of the final expenditure report (closeout) for that funding period to the federal Department of Labor. This includes hard copies of relevant information stored within the MIS.

Participant Data

TOC/OW A and regional sub-grant recipients shall maintain for a period of not less than three years from the close of the applicable program year: applicant; eligible applicant; employee; applicant for employment records; and such other records as are required by the Civil Rights Center, U.S. Department of Labor, (29 CFR 37.39). In addition, individual application records must also be retained until all monitoring reviews or audits of the program year in which the individual applied have been completed and finally resolved.

Records regarding complaints and actions taken under 29 CFR 37 shall be maintained for a period of not less than three years from the date of resolution of the complaint.

TOC/OW A and regional sub grant recipients shall comply with all provisions of Oregon Administrative Rules 151-020-0065 through 0090 regarding the confidentiality of participant records and the release of such records.

Property

Records for nonexpendable property shall be retained for a period of three years after final disposition, replacement or transfer of such of the property.

Indirect Cost Proposals, Cost Allocation Plans

Indirect cost rate proposals, cost allocation plans, etc. and their supporting records are to be kept as follows:

- If submitted to a cognizant agency for negotiation, the records must be retained for three years from the date of submission.

- If a plan has not been submitted for negotiation or is not required to be submitted, the three-year retention period begins from the end of the fiscal year or accounting period covered by the plan.

Extended Retention Period

The aforementioned records shall be retained beyond the period described above if any litigation or audit is begun or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records shall be retained until the litigation, audit or claim has been finally resolved.

In the event of the termination of the relationship with a subcontractor, the regional subgrant recipient shall be responsible for the maintenance and retention of the records of any subcontractor unable to retain them.

Disposal

No WIA records addressed in this policy shall be disposed of without instruction from or approval of TOC/OWA. TOC/OWA will provide regional subgrant recipients with instructions and timelines for disposing of records.

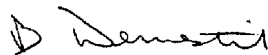
Any records that are confidential in nature, including participant records, must be burned, shredded, or similarly destroyed. Non-confidential records may be discarded.

ACTION:

The TOC/OWA administrative office and the regional sub-grant recipients shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

INQUIRIES:

Inquires should be addressed to the TOC/OWA Chief Administrative Officer at 1-866-888-4TOC.



Bill Demesthas
Executive Director