


## Records Retention Policy #P-37-10.24

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Revision Approved: N/A

References: Training and Employment Guidance Letter (TEGL) No. 39-11  
Pennsylvania Department of Labor and Industry Financial Management Guide (FMG) 2021  
29 CFR § 95.53  
29 CFR § 37.39

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### **I. Background:**

- A. This policy sets forth requirements for Workforce Innovation and Opportunity Act (WIOA) participant physical file management, record retention, and access to records following the participant's program exit.
  - i. SCPa Works manages the retention of TANF records in adherence with the TANF Youth Development Program Policy Guide.
  - ii. SCPa Works manages the retention of EARN records in adherence with the EARN Program Policy and Procedures Manual.
- B. SCPa Works abides by the U.S. Department of Labor (DOL) rules and regulations concerning the retention of WIOA records reflecting the distribution and use of federal funds and, therefore, does not enforce any other record retention or access requirements concerning WIOA participant files.
- C. This policy applies to records related to WIOA Adult, Dislocated Worker, and Youth participant physical and digital files and the entities that have entered into contracts under SCPa Works to deliver WIOA-funded services to eligible participants.
- D. This policy applies to all WIOA-related activities carried out by the entities and service providers, hereinafter referred to as Vendors, operating under contract with SCPa Works and providing WIOA-funded services to eligible participants.

### **II. Records Audit Provisions**

- A. Contracted Vendors within the SCPa Works eight-county service area must maintain records as required by law, regulations, or adopted policies relating to performance under fully executed grant agreements and Notice of Obligation (NOO) and must permit access by the appropriate Federal and state officials to all records directly related to the administration of all records directly related to the administration of WIOA under the grant agreement.
  - i. Vendors are required to maintain accurate and orderly participant physical and digital files according to best practices as detailed in the SCPa Works Case Record Format and as regulated in the following SCPa Works policies:
    - 1. FILE MANAGEMENT #P-36-1.24

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2. PERSONALLY IDENTIFIABLE INFORMATION #P-3-2.22

- B. Vendors must make available to SCPa Works, the Commonwealth, and DOL, or any duly authorized representative any books, documents, papers, and records for the purpose of monitoring, audits, examinations, excerpts, and transcriptions related to the administration of WIOA-funded services.

**III. WIOA Participant Records Retention Requirements**

- A. Records related to the administration and delivery of WIOA-funded services must be maintained not less than three years from the close of the applicable program year (PY).
- i. In the program year quarter of program exit, SCPa Works will collect and maintain exited participant physical files for record retention.
  - ii. In addition, SCPa Works maintains the following records for a period of not less than three years from the close of the applicable program year:
    1. Human resources records, payroll records, and the records of job applicants, current employees, terminated employees, paid interns, and short-term paid contractors; and
    2. All such other records as requested by the Commonwealth of Pennsylvania and DOL.
  - iii. If any investigation or litigation has begun, or a claim is instituted involving the grant covered by the records prior to the expiration of the three-year retention period, the grantee must retain the records beyond the three-year period until instructed otherwise. *[FMG 2021, page 20]*
    1. Following the completion of an audit on a record in retention that has extended beyond the pre-established retention period, the record is then disposed of with approval from the Commonwealth.
- B. SCPa Works agrees to maintain statistical records required by the Commonwealth and to produce statistical data upon request and on forms prescribed by the Commonwealth.
- i. If the Commonwealth did not conduct an audit within the records retention period, SCPa Works shall seek approval from the Commonwealth prior to the disposal of records.
  - ii. Records relating to non-expendable personal property acquired with Federal funds are retained for not less than three years following the final disposition of the property. *[FMG 2021, page 20]*
- C. SCPa Works remains responsible for adequate safekeeping and record retention for all vendors who have entered into agreements, contracts, memorandum of understanding, subgrants, etc.

**IV. Record Retention Regarding WIOA Financial and Administrative Activities**

- A. Financial records, supporting documents, statistical records, and all other records pertaining to the fiscal transactions of WIOA-funded activities shall be retained for a period not less than three years and in alignment with stringent fiscal guidelines as per the U.S. Internal Revenue Service, DOL, and the Commonwealth of Pennsylvania, Department of Labor and Industry. *[2 CFR 200.334]*
- i. For Federal awards that are renewed quarterly or annually, records shall be retained for not less than years from the date of the quarterly or annual financial report submission, respectively, as reported to the Federal awarding agency or PTE in the case of a subrecipient. *[2 CFR 200.334]*
  - ii. It should be noted that, for example, if a participant is provided WIOA-funded services in PY 2020, the Federal closeout of PY 2020 funds is due September 2022. Therefore, the record retention period would continue through September 2025. *[FMG 2021, page 20]*

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- iii. If a participant has been served with funds for multiple years, the record retention requirements for retaining participant information would be three years from the final expenditure report submittal date from the latest year of funds used. Meaning: If the participant were served with funds from PY 2019 and PY 2020, the federal closeout of PY20 funds would be due September 2022, and the record retention process would continue through September 2025. *[FMG 2021, page 20]*
    - iv. WIOA-related items will be retained for not less than three years from the date of the close of the grant or from the date of the final financial expenditure report. *[2 CFR 200.334]*
  - B. If any litigation, claim, or audit is started before the expiration of the three years, SCPa Works shall retain the records in question until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
  - C. SCPa Works retains records for real property and equipment acquired with Federal funds not less than three years after the final disposition. *[FMG 2021, page 20]*
  - D. All parties included in the acquisition of real property that has been purchased **with** prior approval from BWDA will retain all documentation for record retention purposes, including a Property Transfer Report Form for property acquisitions that total \$5000.00 or more. *[FMG 2021, page 138]*
    - i. The Financial Management Guide (FMG) 2021, published by the Pennsylvania Department of Labor and Industry, provides guidance on real property beginning on page 133.
  - E. The retention period for records pertaining to program income begins at the end of the fiscal year in which the program income is earned.
  - F. SCPa Works' Disaster Recovery Plan covers provisions in the event of digital, computer, hardware, and software data maintenance failure. *[FMG 2021, page 16]*
  - G. All documentation authorizing or supporting the dispersal of assets for incentives and supportive services must be retained in accordance with the Records Retention provisions of the Pennsylvania Department of Labor and Industry Financial Management Guide 2021. *[FMG 2021, page 18]*
  - H. Procurement records, including documentation created and/or used during the procurement process, are to be retained for a period of not less than three years from the date of the final expenditure report for that funding period to the awarding agency.
    - i. Regulations that cover records maintained by contractors or subcontractors can be found at 29 CFR 97.36(i)(10). *[FMG 2021, page 126]*
  - I. Fiscal agents and grantees must maintain copies of all local area and sub-grantee audits and an audit resolution file for three years from the date the audit is resolved.
    - i. Audit-related data must be available for inspection by federal and/or state representatives. *[FMG 2021, page 112]*

**V. Retained Records Integrity and Requirements**

- A. SCPa Works' records are retained and stored in a manner that preserves the integrity and admissibility as evidence in any audit or other proceeding.
- B. SCPa Works acknowledges, understands, and implements Personally Identifiable Information (PII) policies and procedures across all data and records management practices.
  - i. The definitions of PII and Protected PII can be found in the FMG 2021 on page 147.
  - ii. Further local guidance pertaining to PII can be found in the SCPa Works PII Policy #P-3-3.22.
- C. Records related to non-discrimination and equal opportunity provisions of WIOA are retained for no less than three years from the close of the applicable program year. *[FMG 2021, page 20]*

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- i. This includes the following:
  - 1. The records of applicants and WIOA participants, exited participants, employees, and applicants for employment; and
  - 2. Such other records as are required under part 29 CFR 37.39.
- ii. Records regarding complaints and actions taken on them must be maintained for a period of not less than three years from the date the complaint is resolved. *[FMG 2021, page 20]*

**Summary of Changes:** The SCPa Works Policy Department reviews this policy every 365 days for necessary changes, edits, updates, and revisions.

Date of Change:	Changed by:	Summary of Change(s):	Effective Date