



Mississippi Valley Workforce Development Board

RECORD RETENTION AND PUBLIC ACCESS POLICY

Approved Date: May 15, 2023

Effective Date: May 15, 2023

PURPOSE

This policy sets forth the minimum requirements for the Mississippi Valley Workforce Development Board (MVWDB) and its sub-recipients for the timeframes of record retention (paper and/or electronic) and the extent to which such records may be made available to the public.

BACKGROUND

Grantees, sub-recipients, and contractors funded under the Workforce Innovation and Opportunity Act (WIOA) must abide by WIOA law, regulations, and guidance, all applicable Office of Management and Budget (OMB) Circulars, state regulations in laws and rules, Iowa Statutes, and State WIOA policies.

POLICY

Public agencies and non-public agencies will comply with the applicable records retention and disclosure laws in regard to WIOA records. Recipients of WIOA funds must keep records that are sufficient to permit the preparation of reports required by the Secretary of Labor and the tracing of funds to a level of expenditure adequate to ensure that the funds have been spent lawfully. This policy covers both federal and non-federal funding through the MVWDB.

RECORD RETENTION

Grantees, sub-recipients, fiscal agents, and contractors are required to maintain and retain records of all fiscal and program activities funded under WIOA. With some exceptions, such records must be available to the public. The minimum requirements, timeframes for records retention, and the extent to which such records may be made available to the public are as follows:

1. Retain all records pertinent to grants, grant agreements, interagency agreements, contracts, or any other awards, including financial, statistical, property, and supporting documentation, for a period of at least five (5) years after submittal of the final expenditure report (closeout) for that funding period to the awarding agency.
2. Retain all records of non-expendable property for a period of at least five (5) years after the final disposition of the property.
3. Retain all program and data validation records pertinent to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for

employment for a period of not less than five (5) years from the point that the record is no longer included in reportable outcomes (as opposed to the close of the applicant's program year).

4. When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.
5. Retain records regarding complaints and actions taken on complaints for at least five (5) years from the date of the resolution of the complaints.
6. Retain all records beyond the required five (5) 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 five (5) years after the litigation, audit, or claim has been resolved.
7. In the event of the termination of the relationship between MVWDB and the subrecipient, the subrecipient will transfer ownership of the records to MVWDB. The subrecipient will make copies of records and take responsibility for maintaining and retaining the records of the sub-recipient for five (5) years or otherwise outlined in this policy.
8. Records for program income transactions after the period of performance. In some cases, recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.
9. Indirect cost rate proposals and cost allocation plans. This paragraph applies to the following types of documents and their supporting records: Indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).
 - a. If submitted for negotiation. If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 5-year retention period for its supporting records starts from the date of such submission.
 - b. If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 5-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.
10. All records retained beyond the mandatory retention period are subject to audit and/or review.

RECORDS STORAGE

1. Records shall be retained in a manner that will preserve their integrity and admissibility as evidence in any audit litigation or other proceeding. The burden of production and authentication of the records shall be on the custodian of the records.
2. Photocopied records can be substituted for original records if complete and unaltered because they are generally accepted as admissible for evidence purposes.
3. In the event data is stored in a computer or similar device, any printout or file readable by sight, shown to reflect the data accurately, is an original.
4. To prove the content of a writing or recording, the original writing or recording is required.

DISASTER RECOVERY

Occasionally, records are destroyed by fires, vandalism, or natural disasters such as floods, storms, and earthquakes. Recipients/sub-recipients must have a satisfactory plan of record recovery if critical records are lost.

LIMITATION OF PUBLIC ACCESS TO RECORDS

Personal records of WIOA registrants are private and confidential and will not be disclosed to the public. Personal information will be made available to the MVWDB, MVWDB staff, and MVWDB partners or service providers on a selective basis consistent with the registrant's signed "Authorization to Share Information and Records" form upon request for the purpose of the program and/or financial monitoring and audits. 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
- State WDB
- Local Subrecipients
- MVWDB Consultants
- MVWDB Consortium Members/Contractors
- MVWDB Designated Auditors/Contract Evaluators

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

- WIOA registrants will have access to all information concerning themselves as individuals unless the records or information are exempt from disclosure.
- The names of MVWDB, 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 recipients or subrecipient 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.

IOWA OPEN RECORDS LAW

The Iowa Open Records Law is a series of laws designed to guarantee that the public has access to public records of government bodies at all levels. The law includes all records of government agencies except where the documents have been deemed confidential. Exemptions can be found at Iowa Chapter 22.2.

Anyone can request public records and the law does not require a statement of purpose for records requests. There are no restrictions for use of the records in the law and 10-20 days is required for a record request response to be completed.