



CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

MAYOR'S OFFICE OF ECONOMIC
AND
WORKFORCE DEVELOPMENT

DIRECTIVE NO: 28-07

TO: WIA Service Providers

EFFECTIVE: July 1, 2007

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

REFERENCES:

- Workforce Investment Act, Section 185
- 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

PURPOSE:

To provide record retention, maintenance and disposition procedures for the Office of Economic and Workforce Development (OEWD) and its service providers that will ensure compliance with state and federal law.

POLICY:

OEWD and its service providers will incorporate into their management systems the following procedures for the management of all Workforce Investment Act (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 three (5) years following the date on which the annual expenditure report for that period, containing the final fiscal

expenditures charged to the program year allotment, is submitted to the State Employment Development Department. This includes hard copies of relevant information stored within the MIS.

Participant Data

OEWD and its service providers 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 five years from the date of resolution of the complaint.

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 five years from the date of submission.
- If a plan has not been submitted for negotiation or is not required to be submitted, the five-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 service provider, OEWD shall be responsible for the maintenance and retention of the records of any service provider unable to retain them.

Disposal

No WIA records shall be disposed of without instruction from or approval of OEWD. OEWD will provide service providers with instructions and timelines for disposing of records.

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

If there is any outstanding litigation or audit claim begun on records prior to termination of retention, the records will be retained until resolution of litigation or audit claim.

ACTION:

The OWED and its service providers shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

INQUIRIES:

Inquiries should be addressed to the WIA Program Manager at 581-2314 or marc.majors@sfgov.org.

Rhonda Simmons
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Office of Economic and Workforce Development