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## **WORKFORCE INVESTMENT NOTICE: 11-17**

**TO:** WORKFORCE INVESTMENT AREAS

**FROM:** David Tremblay, Administrator-State Workforce Investment Office

**SUBJECT:** Record Retention Policy for Participant Files

**DATE:** June 29, 2012

1. **PURPOSE.** To communicate to Local Areas the record retention policy and procedures for participant files and programmatic reports under the Workforce Investment Act (WIA).
2. **REFERENCES.**
  - Workforce Investment Act of 1998, as amended
  - Workforce Investment Act of 1998 regulations
  - 29 CFR 97.42
  - 29 CFR 95.53
3. **BACKGROUND.** Record retention requirements, found at 29 CFR 97.42 and CFR 95.53, state that records must be retained for at least three years following the date on which the final expenditure report charged to a program year's allotment is submitted or until all audit and litigation issues are resolved, whichever is later. Therefore, assuming no audit or litigation issues have arisen, the record retention period for all WIA participant folders will be five years from the exit date. This five year time period allows for follow-up services conducted after the exit and time for report submission. Participant folders may include, but are not limited to, application forms, copies of eligibility documentation, vocational assessment plans, wage record data, employment information, driver's license information and personal data.

All folders should be kept in lockable file cabinets; if lockable file cabinets are not available, then the folders should be kept in a secure area that can be locked. In addition,

no folders should be left on staff desks when not in use and should be kept in a locked, secure area at the end of the staff member's shift.

At the conclusion of the retention period, the files may be destroyed.

- 4. ACTION REQUIRED.** Local areas must develop a policy which at least meets the above referenced record retention requirements. The local policy can be stricter but cannot be less strict. In addition, the policy must address storage and destruction procedures. Upon adoption of the policy, a copy should be forwarded to the State Workforce Investment Office (SWIO). The policy and procedures will be subject to monitoring.
- 5. ADDITIONAL INFORMATION.** As stated above, this policy refers only to WIA participant folders. Workforce Investment Notice #05-07 should be adhered to for all other WIA records, including, but not limited to, expenditure and monitoring reports (both fiscal and programmatic).
- 6. INQUIRIES.** Questions concerning this WIN may be directed to the State Workforce Investment Office Administrator at 462-8812.