



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Labor and Training

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WORKFORCE INVESTMENT NOTICE: 05-07

TO: Workforce Investment Areas

FROM: John J. O'Hare, Administrator – Workforce Investment Office

SUBJECT: Instructions for Retention of Records for WIA Title 1-B administered programs.

DATE: March 2, 2006

PURPOSE

To provide the Workforce System with Department of Labor's policies and procedures on retention of records

BACKGROUND

Record retention requirements are found in 29 CFR 97.42 (State, Local Governmental Entities and Indian Tribes) and 29 CFR 95.53 (Institutions of Higher Education, Hospitals, Non-Profits and Commercial Organizations). These requirements apply to recipients/grantees and all subrecipients/subgrantees.

ACTION

Both 29 CFR 97.42 and 29 CFR 95.53 require that records must be retained for three (3) years following the date on which the expenditure report containing the final expenditures charged to a program year's allotment or grant is submitted to ETA. For example, the State's Program Year 2002 allotment final expenditure report was submitted ninety (90) days after the end of the three year expenditure availability period or September 30, 2005. The record retention period, assuming no audit or litigation issues have arisen, will be three (3) years from September 30, 2005 or until September 30, 2008. Should any audit or litigation issues arise, the records must be retained for the full three (3) year period or until all issues are resolved, whichever is longer.

The local workforce area grant recipients, subrecipients and others must retain all records which support their expenditure reports as submitted to the State until the required record retention period for the State has been met. In order to fulfill this

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requirement, the local area grant recipients, subrecipients and others must retain all pertinent records for four (4) years, assuming no audit or litigation issues have arisen. For example, a local area grant recipient Program Year 2002 allotment final expenditure report was due to the State ninety (90) days after the end of their expenditure availability period or September 30, 2004. their record retention period, assuming no audit or litigation issues arise, will be until September 30, 2008 as this will be the record retention period for the final expenditure reports for this program allotment as submitted by the State.

Record retention for real property and equipment acquired with federal funds is three (3) years from the date of final disposition, replacement or transfer at the direction of the awarding agency.

All such records shall be maintained in such 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 (Chief Elected Official and/or his designee). While no specific media for record retention is specified, the custodian must ensure that a satisfactory plan of recovery exists should critical records be lost in the event of fire, vandalism, natural disaster or other such event.

Rights of timely and reasonable access to pertinent books, documents, papers or other records of grant recipients, subrecipients vendors and others, must be granted to USDOL, the Comptroller General of the United States, the State, Grant Recipients or any of their authorized representatives to make audits, examinations, excerpts and transcripts as they deem necessary.

Appropriate links are listed below:

29 CRF Part 97 http://www.access.gpo.gov/nara/cfr/waisidx_98/29cfr97_98.html
29 CRF Part 95 http://www.access.gpo.gov/nara/cfr/waisidx_98/29cfr95_98.html

INQUIRIES

Any questions concerning this letter series should be directed to me at 462-8782 (johare@dlt.state.ri.us) or Bob Garofano at 462-8149 (bgarofano@dlt.state.ri.us)