

ST. LAWRENCE COUNTY
WORKFORCE DEVELOPMENT BOARD

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**WORKFORCE INNOVATION AND
OPPORTUNITY ACT**

**RECORDS RETENTION POLICIES AND
PROCEDURES**

Adopted by the St. Lawrence County Workforce Development Board: September 9, 2015

September 9, 2015
ST. LAWRENCE COUNTY WORKFORCE DEVELOPMENT BOARD
Resolution No. 15-I09-15

AUTHORIZING THE ACCEPTANCE AND ADOPTION OF BYLAWS, POLICIES AND PROCEDURES, CONTRACTS AND LEASES/SUBLEASES, ADOPTED BUDGETS AND OTHER FINANCIAL RESPONSIBILITIES, TOGETHER WITH ALL OTHER CONTINUING RESPONSIBILITIES AND POWERS, FROM THE ST. LAWRENCE COUNTY WORKFORCE INVESTMENT BOARD

WHEREAS, coming into compliance with the Workforce Innovation and Opportunity Act of 2014 (WIOA) requires that Workforce Investment Boards become Workforce Development Boards; and

WHEREAS, WIOA has mandated several other changes in the organization of Workforce Investment Boards; and

WHEREAS, the St. Lawrence County Workforce Investment Board took actions at its June 10, 2015 meeting to initiate all these changes and to transfer its WIOA-compliant operations to the St. Lawrence County Workforce Development Board (WDB) ; and


WHEREAS, at its August 3, 2015 meeting the St. Lawrence County Board of Legislators (BOL) took official action to replace the temporary WDB it had appointed at its July 7, 2015 meeting with membership that was fully compliant with WIOA requirements; and

WHEREAS, both the County BOL and the WDB recognize that the WDB is and should be the successor in due course to the WIB;

WHEREAS, now that a WIOA-compliant WDB is in place, it is appropriate and prudent for the WDB to officially accept and adopt the bylaws and all the policies and procedures, contracts and leases/subleases, and adopted budgets and other financial responsibilities, together with all other continuing responsibilities and powers, from the WIB ; and

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Workforce Development Board does hereby officially accept and adopt the bylaws and all the policies and procedures, contracts and leases/subleases, and adopted budgets and other financial responsibilities, together with all other continuing responsibilities and powers, from the St. Lawrence County Workforce Investment Board effective on July 1, 2015 and authorizes, empowers, and directs its staff to continue to operate the workforce development system in St. Lawrence County according to the precedents established prior to July 1, 2015 when and as appropriate and consistent with WIOA.

I, Jennifer R. Free, Assistant to the Executive Director of the St. Lawrence County Workforce Development Board, DO HEREBY CERTIFY, that I have compared this copy of this Resolution, adopted September 9, 2015; with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.



Jennifer R. Free, Assistant to the Executive Director
St. Lawrence County Workforce Development Board
September 9, 2015

Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 440, Albany, NY 12240
www.labor.ny.gov

**New York State
Workforce Development System
Technical Advisory #16-2
March 10, 2016**

To: Workforce Development Community

SUBJECT: Retention of Records by Local Workforce Development Boards

PURPOSE

To advise Local Workforce Development Boards (LWDBs) of the policy and procedures on retention of records related to all Federal awards administered by the New York State Department of Labor (NYSDOL).

This Workforce Development System Technical Advisory (WDS TA) rescinds and replaces the previous WDS TA #01-27 "Instructions for Retention of Records for Local Workforce Investment Areas" dated 12/27/2001.

ACTION

LWDBs must ensure that record retention policies and requirements herein are adhered to in their Local Workforce Development Area (LWDA).

POLICY

In accordance with Federal requirements, all records (e.g., financial/expenditure records, supporting documents, statistical records, other non-Federal entity records, pertinent books, papers or other records of grant recipients and sub-recipients) pertinent to a Federal award administered by NYSDOL, must be retained by the custodian of the records for a period of three (3) years from the date of submission of the final expenditure report by NYSDOL to the United States Department of Labor (USDOL). The custodian of the records is the person who is tasked with taking care of records, whether physical or electronic in nature.

Examples of Federal awards subject to record retention requirements include: Workforce Investment Act (WIA), Workforce Innovation and Opportunity Act (WIOA), Trade Adjustment Assistance (TAA) and all other pass-through funds (i.e., funds issued by USDOL to NYSDOL that are then transferred to LWDA's).

LWDBs, local area grant recipients, sub-recipients, and any other entities (e.g., fiscal agents, discretionary grantees, Eligible Training Providers) receiving any of the funds mentioned above must retain all records, until the required Record Retention Period has been met. In addition, records for real property and equipment acquired with Federal funds shall be retained for three (3) years after final disposition of the real property or equipment.

ADDITIONAL INFORMATION

Calculation of three year Record Retention Period:

The three (3) year Record Retention Period begins on the date final expenditure reports are submitted by NYSDOL to USDOL. Should any audit or litigation issues arise, the records must be retained for the full three (3) year Record Retention Period or until all issues are resolved, whichever is longer.

A table showing current Record Retention periods for the WIA/WIOA and TAA programs can be found on the NYSDOL website on the "Programs and Tools" page (<http://labor.ny.gov/workforcenypartners/tools.shtm>).

Method of Record Retention:

All documents associated with record retention must be maintained in such a manner that will preserve the integrity and admissibility as evidence in any audit, litigation or other proceeding. The burden of production and authentication of the documents must be on the custodian of the records. While no specific media for record retention is specified, the custodian must ensure that the method used ensures that the security safeguards and protections are sufficient for the records to be accepted by a court as evidence. In addition, the custodian must ensure that a satisfactory plan of recovery exists should critical records be lost in the event of fire, vandalism, or natural disaster.

Access to Information:

Rights of timely and reasonable access to records must be granted to USDOL, the Comptroller General of the United States, NYSDOL, Grant Recipients, Fiscal Agents or any of their authorized representatives to make audits, examinations, excerpts and transcripts as they deem necessary. This right also includes timely and reasonable access to a recipient's personnel for the purpose of interview and discussion related to such documents.

REFERENCE

Record retention requirements are found in: (a) 29 CFR 97.42 (State, Local Governmental Entities and Indian Tribes); (b) 29 CFR 95.53 (Institutions of Higher Education, Hospitals, Non-Profits and Commercial Organizations); and (c) Super-Circular 2 CFR 200.333 (Retention Requirements for Records).

INQUIRIES

Questions regarding this WDS TA may be directed to the NYSDOL Financial Oversight and Technical Assistance (FOTA) Representative for the LWDA.

Scott, Penny

From: Nash, Eric M (LABOR) <Eric.Nash@labor.ny.gov>
Sent: Monday, November 26, 2012 10:05 AM
To: tstark@co.broome.ny.us; c.mayforth@co.jefferson.ny.us; Hantz, Jean
Cc: Kane, Sarah E.; Jay Whitney; Scott, Penny
Subject: WIA Record Retention Update

Hello all,

As an FYI, I have included below the Record Retention information to assist in the LWIA's who wish to discard some of the older WIA data.

Please pay special attention to the Closeout Date. I would ignore the PY as it may be misleading as some grants crossed over. As an example, sometimes PY10 funds will be given out in PY11.

I hope this helps, but if not feel free to contact me with your questions.

Program Year	PY Closeout Date	Record Retention Date (hold until)
2000	3/11/04	3/11/07
2001	12/13/04	12/13/07
2002	12/27/05	12/27/08
2003	1/26/07	1/26/10
2004	12/26/07	12/26/10
2005	12/23/08	12/23/11
2006	12/22/09	12/22/12
2007	12/27/10	12/27/13
2008	10/28/11	10/28/14
2009	pending	

Thank you!

Eric M Nash

Sr. FOTA Auditor
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September 17, 2008

ST. LAWRENCE COUNTY WORKFORCE INVESTMENT BOARD

Resolution No. 08-09-20

Executive Committee: 09-10-2008

ADOPTING RECORDS RETENTION POLICIES AND PROCEDURES

WHEREAS, 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), and

WHEREAS, these requirements apply to recipients/grantees and all subrecipients/subgrantees, and

WHEREAS, while the Workforce Investment Board is subject to these requirements, it does not have a formal policy in place,

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Workforce Investment Board, pursuant to the guidelines noted in WDS Technical Advisory 01-27, does hereby adopt the following requirements for retention of records:

- Financial records, supporting documents, statistical records, and all other records pertinent to an award supporting its [WIB's] expenditure reports as submitted to NYSDOL shall be retained for a period of four (4) years from the date of submission of the final expenditure report, assuming no audit or litigation issues have arisen.
- Records for real property and equipment acquired with Federal funds shall be retained for 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. While no specific media for record retention is specified, the custodian must ensure that the method used ensures that the security safeguards and protections are sufficient for the records to be accepted by a court as evidence. In addition, the custodian must ensure that a satisfactory plan of recovery exists should critical records be lost in the event of fire, vandalism or natural disaster.
- Rights of timely and reasonable access to pertinent books, documents, papers or other records as the grant recipient shall be granted to the USDOL, the Comptroller General of the United States, the New York State Department of Labor, or any of their authorized representatives to make audits, examinations, excerpts and transcripts as is deemed necessary.

September 17, 2008 WIB Approval: Kennedy/Backus. Vote 13/0/0