

POLICY: 21-03, CHANGE 1

SUBJECT: LOCAL RECORDS RETENTION POLICY

ISSUANCE DATE: 3/5/24

EFFECTIVE DATE: 3/6/24

REFERENCES:

1. Employ Milwaukee policies on record retention, as well as, state and federal laws governing record retention.
2. WIOA Title 1-A and 1-B Policy and Procedure Manual Section 1.6, Chapter 12
3. WIOA Sec. 185(a)(4); Wis. Stat. § 16.61 and 19.31 – 19.39
4. 2 CFR § 39.41
5. 2 CFR 200

**POLICY SCOPE**

- EMPLOY MILWAUKEE AGENCY
- WIOA WDA 2 SYSTEM
- WIOA TITLE I-B PROGRAM(S)
  - ADULT PROGRAM
  - DISLOCATED WORKER PROGRAM
  - YOUTH PROGRAM
- NON-WIOA PROGRAMS

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**I. BACKGROUND** Employ Milwaukee, Inc., “the entity,” is committed to establishing standards for record retention compliant with state and federal regulation. DWD’s Division of Employment and Training (DWD-DET) requires that its grantees and subrecipients have local written policies in place to govern access to and retention of grant related records compliant with WIOA, OMB’s Uniform administrative Guidance, and WIOA Titles 1-A and 1-B Policy and Procedure Manual.

**II. PURPOSE** The purpose of this policy is to define the local guidelines for the retention of all defined records.

**III. DEFINITIONS**

**Records Defined**

**Records include** all financial, statistical, property, applicant and participant records, and all applicable supporting documentation.

**Financial Records Defined**

**Financial records include** all records pertinent to each participant's enrollment including dates of entry and termination; all financial records and supporting documents; all employment tax records; employee payroll records; statistical records; and property records.

**Participant Records Defined**

**Participant records include** all records for individuals served through the program or grant, all participants determined eligible but not served, and all applicants otherwise not served.

## IV. POLICY

### 1. Retention Period

(See [1.6 Maintenance and Retention of Records | Chapter 1\) Administration and Governance \(wisconsin.gov\)](#))

Minimum record retention requirements are established as part of an effective internal and external control program to ensure that local workforce areas can provide the documents requested by any federal and state agencies within the statutes of limitations. Grant recipients, fiscal agents, WDBs and WIOA Title I service providers must maintain records for minimum periods.

**Records include** all financial, statistical, property, applicant and participant records, and all applicable supporting documentation.

**All records shall be retained for a specific period of time as described in items 2 through 7 below**

subsequent to the date of submission of final Grant expenditure report, close-out package, or the date all audits are complete and findings on all claims have been finally resolved, whichever is longer. In any case where a litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. In these cases, a new three-year retention period will begin on the day the litigation, claim, or audit finding is deemed to be resolved.

### 2. Record Maintenance

(See [Chapter 12\) File Documentation \(wisconsin.gov\)](#); <https://dwd.wisconsin.gov/wioa/policy/01/01.6.htm>)

The electronic or paper file shall contain all necessary program documents as outlined in WIOA Title 1-A & 1-B Policy & Procedure Manual Chapter 12 and Chapter 1.6.

It is the responsibility of the WIOA contracted provider to maintain participant paper or electronic files per this order. Per WIOA Title 1, paper files must be stored in a locked container for the duration of participation and three (3) consecutive years past common exit or program end date, whichever is applicable to the grant.

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.

All such records shall be maintained in a form and manner that is accurate, legible, and consistent with the principles of proper accounting and financial management practices, established professional standards, and applicable federal and state laws, rules, and regulations.

### 3. Financial Records

In accordance with Employ Milwaukee Accounting Policies & Procedures Manual, financial records shall be retained for seven (7) years after program closeout, or resolution of audit findings, whichever is longer, unless funding sources require longer.

**Financial records include** all records pertinent to each participant's enrollment including dates of entry and termination; all financial records and supporting documents; all employment tax records; employee payroll records; statistical records; and property records. (See IRS 9/29/2020 bulletin)

All employment tax records, including employee payroll records, will be retained for seven (7) years from the end of the calendar year.

#### **4. Participant Records**

**Participant records include** all records for individuals served through the program or grant, all participants determined eligible but not served, and all applicants otherwise not served. These records shall be retained for three (3) years following common exit or program end date, whichever is applicable to the grant.

When a participant is registered and enrolled into the Workforce Innovation & Opportunity Act (WIOA) Title 1 Youth, Adult, or Dislocated Worker Programs, case managers will follow the requirements of entering participant data into ASSET.

For participants entering program participation on or after October 1, 2020, DWD- DET requires that, at a minimum, documentation necessary for data validation be uploaded to ASSET for any data element that applies. In addition, an electronic file using the ASSET Document Upload feature or paper file shall be created and organized in the order established by Employ Milwaukee. The electronic or paper file shall contain all necessary program documents as outlined in WIOA Title 1-A & 1-B Policy & Procedure Manual Chapter 12 File Documentation, <https://dwd.wisconsin.gov/wioa/policy/#list-chapterTwelve>

Information and documents contained in a participant file shall be considered confidential.

#### **5. Medical & Disability Records**

(See [5.7 Collection and Maintenance of Medical and Disability-Related Information | Chapter 5\) Nondiscrimination/Equal Opportunity and Affirmative Action \(wisconsin.gov\)](#))

Medical and Disability Information and documents shall be considered confidential. Electronic and paper files must follow collection and maintenance requirements outlined in WIOA Title 1-A & 1-B Policy & Procedure Manual Chapter 5.7 Collection and Maintenance of Medical and Disability - Related Information. It is the responsibility of the WIOA-contracted provider to maintain participant paper or electronic files per this order. Paper files must be stored in a locked container for the duration of participation and three consecutive years past program exit.

#### **6. Equipment Records**

All records pertaining to equipment under registration will be maintained. After the equipment is removed from the registry the retention period begins.

#### **7. Personnel Records**

(see current year Employee Handbook)

It is important that personnel records contain accurate, up-to-date information. For that reason, each employee should notify the Human Resources Department of any change in status, i.e., telephone number, mailing address, number of dependents, beneficiary designations, change in immigration status and who to

notify in case of an emergency. Employees are also encouraged to provide supplemental information relating to education and professional development.

The human resources (HR) department must retain and destroy personnel records in accordance with Employ Milwaukee policies on record retention, as well as state and federal laws governing record retention.

## 8. Record Requests

During regular business hours and upon written request, EMI shall afford access and make available all such records to duly authorized representatives. If and when a participant requests to view his/her file, the protocol outlined below must be followed.

- Participants must submit a written request to the case manager to view his/her file.
- Case managers must notify their immediate supervisor of the request.
- Case managers will have seven (7) business days to respond to the participant to arrange a time for him or her to come into the Job Center to view the file.
- The file will be made available to the participant to be viewed only when the case manager, or their immediate supervisor is present. The documents that can be viewed by the participant are only those documents generated and produced internally. Examples include the comprehensive assessment, employability plan, and case notes.
- Case managers cannot release outside documents. Documents from outside agencies must be requested by the participant directly from that respective agency.
- If the participant has any dispute over what is written in a document, then the participant must refer back to the Grievance Procedure.
- Case managers must then document the request in the case notes.

## I. NO ACTION REQUIRED

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**RECISSIONS: POLICY 21-03, EFF. 8/26/21**

**BOARD APPROVAL DATE: 3/6/24**

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