
**Workforce Investment Act
State Compliance Policies**

SECTION: 5.4

Record Requirements

July 2005

I. Record Retention (29 CFR §§37.37, 95.53, and 97.42, NRS 239.080, and NAC 239.155 and 239.710 to 239.720):

- A. Local Workforce Investment Boards (LWIBs)/grantees shall retain all records pertinent to all grants and agreements, including financial, statistical, property, applicant/participant records, and supporting documentation. Records for each funding period must be retained for three (3) years following the date on which the annual expenditure report (final report) is submitted to the Department of Labor (DOL).
- B. Nonexpendable property records must be retained for a period of three (3) years from date of final disposition of property. Property records consist of purchase documents, inventory records, and disposition documents. Disallowed costs can result from inadequate documentation and record retention [§95.53(b)(2)].
- C. All records shall be retained beyond the prescribed period if any litigation, investigation, or audit is begun or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records will be retained until the litigation, audit, or claim has been resolved [§95.53(b)(1)].
- D. In the case of grievances and discrimination complaints, records must be retained for three (3) years following the date of the resolution [§95.53(b)(1)].
- E. LWIB grantees will need to coordinate record disposal with the state for proper time frames (NRS 239.080 and NAC 239.155).

II. Subrecipients:

The LWIB must ensure all subrecipients will be required to include record retention procedures in their contractual agreement and must ensure compliance through monitoring. In the event of the termination of the relationship with a subrecipient, the LWIB shall be responsible for the maintenance and retention of the subrecipient records for those unable to retain them.

III. Access To Records [§37.37 and 95.53(e) and NRS 239.080]:

- A. The awarding agency, the Department of Labor, Office of Inspector General, and the Comptroller General of the United States or any of their authorized representatives have the right of timely and reasonable access to any books, documents, papers, computer records, or other records of recipients and subrecipients that are pertinent to the grant. They have the right to conduct audits and examinations, and to make excerpts, transcripts, and photocopies of such documents. This right also includes timely and reasonable access to recipient and subrecipient personnel for the purpose of interview and discussion related to such documents.
- B. Records shall be made available to the public upon request, notwithstanding provisions of state or local law. This requirement does not apply to:
 - 1. Disclosure of information which would constitute a clear, unwarranted invasion of personal privacy; or
 - 2. Trade secrets, or commercial or financial information which is privileged or confidential.
- C. A fee may be charged to the extent that is sufficient to recover the cost applicable to processing such request.
- D. The right of access in this section is not limited to the required retention period, but shall last as long as the records are retained.

IV. Record Storage [State Administrative Manual 0402.2(2)(B)(8) and 29 CFR 37.37]:

Records must be retained and stored in a manner which preserves their integrity and admissibility as evidence in any audit or other proceeding. The burden of production and authentication of the records shall be on the custodian of the records.