



Department of Workforce Investment

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division
Approved by the State Libraries, Archives, and Records Commission



Kentucky Department for Libraries and Archives

This records retention schedule governs retention and disposal of records created, used and maintained by the Department of Workforce Investment. **Government records in Kentucky can only be disposed of with the approval of the State Libraries, Archives, and Records Commission (the Commission).** If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records. This agency-specific schedule was drafted by Department of Workforce Investment personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Department of Workforce Investment to destroy the records listed, after the appropriate retention periods have passed.

Department of Workforce Investment personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for Department of Workforce Investment.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

This retention schedule covers the content of records created by the Department of Workforce Investment, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

Confidential Records

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

Copies of Records

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

**Education and Workforce Development Cabinet
Department of Workforce Investment**

The Department of Workforce Investment (DWI) connects Kentuckians to employment, workforce information, education and training. The agencies of the department, Division of Technical Services, the Office of Vocational Rehabilitation, Office of Employer and Apprenticeship Services, work together to provide services through the Kentucky Career Center. This schedule also applies to the sub-recipients of WIOA Funds, which includes both local workforce areas and their sub-recipients, the Career Development Office and Office of Adult Education.

RECORDS RETENTION SCHEDULE

Signature Page

Department of Workforce Investment

September 10, 2020

Agency

Schedule Date

Unit

Change Date

September 10, 2020

Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

DocuSigned by:
Marty Hammons
64A96C4F36B146A

Agency Head

9/1/2020

Date of Approval

DocuSigned by:
Marty Hammons
64A96C4F36B146A

Agency Records Officer

9/1/2020

Date of Approval

State Archivist and Records Administrator
Director, Archives and Records Management Division

Date of Approval

DocuSigned by:
Terry Manuel
7FD48C8B81F640C

Chairman, State Libraries, Archives, and
Records Commission

9/10/2020

Date of Approval

The undersigned Archives and Records Management Division staff have examined the record items and recommend the disposition as shown:

DocuSigned by:
Joseph Isaac
811B243452984BE

Records Analyst/Regional Administrator

8/21/2020

Date of Approval

DocuSigned by:
Jennifer Patterson
2028264E05224A2

Appraisal Archivist

8/19/2020

Date of Approval

DocuSigned by:
Chris
316DFCDA76E748D

State/Local Records Branch Manager

8/19/2020

Date of Approval

The determination as set forth meets with my approval.

DocuSigned by:
Farrak Putter
50DFC68B1254E8

Auditor of Public Accounts

9/10/2020

Date of Approval

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

Archives and Records Management Division

Kentucky Department for Libraries and Archives

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Education and Workforce Development Cabinet
Workforce Investment, Department of

**Record Group
Number
3096**

Series	Records Title and Description	Function and Use
06982	Workforce Innovation and Opportunity Act (WIOA) Files	This series documents all fiscal and programmatic records pertaining to the Workforce Innovation and Opportunity Act (WIOA), Pub.L. 113-128. WIOA was enacted to replace the Workforce Investment Act of 1998. WIOA's purpose is to help coordination among Federal programs for employment education, training, and support services.
	Access Restrictions	KRS 61.878 (1)(a) - Personal Identifiable Information. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Participant applications; fiscal records pertinent to the grant, grant agreements, interagency agreements, contracts, or any award including financial, statistical, performance, and supporting documentation; indirect cost records such as computations, proposals, or cost allocation plans; as well as complaints and actions taken on complaints.
	Retention and Disposition	Retain for three (3) years after closeout, final disposition of property, close of program year, or final resolution of complaint, whichever is longest, then destroy.