



Montana Department of LABOR & INDUSTRY

1
2 **Division: Workforce Services Division**
3 **Category: WIOA**
4 **Effective Date: 3/30/2017**
5 **Last Revised: 07/01/2019**
6 **Policy No.: 07-16**

7 **Records Retention Policy**

8 **Background:** Montana Labor and Industry's (MDLI) Workforce Service Division (WSD) must ensure that
9 all federally and state-funded programs collect and maintain records in a manner consistent with individual
10 program requirements, federal grant requirements, or state requirements. When more than one retention
11 period applies to a record, the longer retention period applies.

12 **Scope:** This policy applies to all WSD staff and programs.

13 **Policy:**

14 WSD has established the following policies regarding retention of and custodial requirement for physical and
15 electronic records associated with the administration of workforce programs. When the original document is not
16 available, a copy or scan of the document may be substituted for the original record. Maintaining an original
17 and a copy or scan is not required.

18 Document Types Subject to Record Retention:

- 19 • General Contracts
- 20 • General Financial Records
- 21 • Grants and Supporting Documentation
- 22 • Program, Client, Business and Job Seeker Files
- 23 • Purchasing and Procurement Records
- 24 • Surveys
- 25

26 The above listed document types may apply to one or more program specific retention periods.

- 27 • **Apprenticeship** – All apprentice and sponsor records have a 5-year retention period.
- 28 • **Bureau of Labor Statistics (BLS)**
 - 29 ○ **Current Employment Statistics (CES)** – Records have a 3-year retention period after the close of
30 the Agreement.
 - 31 ○ **Census of Fatal Occupational Injuries (CFOI)** – Records pertinent to the Agreement have a 3-
32 year retention period. Hard copy forms from respondents entered into the BLS system have a
33 30-day retention period after the final case and demographic estimates have been generated or
34 1-year after submitting the final updated data file for the reference year.
 - 35 ○ **Local Area Unemployment Statistics (LAUS)** - Records have a 3-year retention period after the
36 close of the Agreement.
 - 37 ○ **Occupational Employment Statistics (OES)** – Completed survey forms have 4-year retention
38 period.

- 39 ○ **Quarterly Census of Employment and Wages (QCEW)** - Records have a 3-year retention period
- 40 after the close of the Agreement.
- 41 ○ **Survey of Occupational Injuries and Illnesses (SOII)** - Records pertinent to the Agreement have a
- 42 3-year retention period. Hard copy forms from respondents entered into the BLS system have a
- 43 30-day retention period after the final case and demographic estimates have been generated or
- 44 1-year after submitting the final updated data file for the reference year.
- 45 ● **Contracts: Amendments/Individual/Procurement/Term/Sole Source/Vendor** – Records have an 8-year
- 46 retention period after expiration.
- 47 ● **Department of Public Health and Human Services (DPHHS) Sub-grants** – All records related to sub-
- 48 grants have a 8-year retention period following the contract completion date.
- 49 ● **Federal Grants** – All records have a 3-year retention period from the submission of the final expenditure
- 50 report.
- 51 ● **Fiscal Records** – All records have a 5-year retention period.
- 52 ● **Foreign Labor Certification** – All records have a 3-year retention period from the date of certification.
- 53 ● **Incumbent Worker Training (IWT)** – All records have a 3-year plus current year retention period.
- 54 ● **Jobs for Montana’s Graduates** – All records have a 5-year retention period.
- 55 ● **Migrant and Seasonal Farmworker (MSFW)** – All records have a 3-year retention period.
- 56 ● **Senior Community Service Employment Program (SCSEP)** – All records have a 5-year retention period.
- 57 ● **State Displaced Homemaker (SDH)** – All records have a 5-year retention period.
- 58 ● **Wagner Peyser** – Business records, work applications, job seeker files, and job orders have a 3-year
- 59 retention period.
- 60 ● **Work Opportunity Tax Credit (WOTC)** – Certified applications have a 4-year retention period from date of
- 61 issuance. Denied applications have a 1-year retention period from the date of denial.
- 62 ● **Workforce Innovation and Opportunity Act (WIOA)** – All records have a 5-year retention period following
- 63 the date of exit.

64 **Records Involved in an Audit, Claim, Litigation, Negotiation or Other Action:** If the action starts prior to the

65 above-referenced retention period, the records must be retained until the action ends and related issues are

66 resolved; or until the end of the standard retention period, whichever is later.

67 Administrative Requirements:

- 68 ● It is the responsibility of each program to maintain program documents and to properly destroy the
- 69 records that have passed the retention period on an annual basis.

70 References:

- 71 ● [29 CFR 97.42 Retention and Access Requirements for Records](#)
- 72 ● [WOTC Handbook](#)
- 73 ● [2 CFR 200.333 Federal Grants](#)
- 74 ● [20 CFR 652.8 Wagner Peyser Administrative Provisions](#)
- 75 ● [Secretary of State Records Retention Schedules](#)
- 76 ● [MCA 2-6-10 Public Records, General Provisions](#)