



Montana Department of LABOR & INDUSTRY

Division: Workforce Services Division

Category: Data and Operations

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Policy No.: 07-16

Records Retention Policy

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

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

Policy:

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

Document Types Subject to Record Retention:

- General Contracts
- General Financial Records
- Grants and Supporting Documentation
- Program, Client, Business and Job Seeker Files
- Purchasing and Procurement Records
- Surveys

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

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

- **Quarterly Census of Employment and Wages (QCEW)** - Records have a 3-year retention period after the close of the Agreement.
- **Survey of Occupational Injuries and Illnesses (SOII)** - Records pertinent to the Agreement have a 3-year retention period. Hard copy forms from respondents entered into the BLS system have a 30-day retention period after the final case and demographic estimates have been generated or 1-year after submitting the final updated data file for the reference year.
- **Contracts: Amendments/Individual/Procurement/Term/Sole Source/Vendor** – Records have an 8-year retention period after expiration.
- **Department of Public Health and Human Services (DPHHS) Sub-grants** – All records related to sub-grants have an 8-year retention period following the contract completion date.
- **Federal Grants** – All records have a 3-year retention period from the submission of the final expenditure report.
- **Fiscal Records** – All records have a 5-year retention period.
- **Foreign Labor Certification** – All records have a 3-year retention period from the date of certification.
- **HELP-Link** – All records have a 5-year retention period following the date of exit.
- **Incumbent Worker Training (IWT)** – All records have a 3-year plus current year retention period.
- **Jobs for Montana’s Graduates** – All records have a 5-year retention period.
- **Migrant and Seasonal Farmworker (MSFW)** – All records have a 3-year retention period.
- **Senior Community Service Employment Program (SCSEP)** – All records have a 5-year retention period.
- **State Displaced Homemaker (SDH)** – All records have a 5-year retention period.
- **Wagner Peyser** – Business records, work applications, job seeker files, and job orders have a 3-year retention period following the date of exit.
- **Work Opportunity Tax Credit (WOTC)** All records have 3-year retention period from the date of determination.
- **Workforce Innovation and Opportunity Act (WIOA) Titles I and II**– All records have a 5-year retention period following the date of exit.

Records Involved in an Audit, Claim, Litigation, Negotiation or Other Action: If the action starts prior to the above-referenced retention period, the records must be retained until the action ends and related issues are resolved; or until the end of the standard retention period, whichever is later.

Administrative Requirements:

- It is the responsibility of each provider to maintain program documents and to properly destroy the records that have passed the retention period.
- The program will provide guidance and/or data to assist providers with document retention and destruction decisions at the request of the provider.

References:

- [29 CFR 97.42 Retention and Access Requirements for Records](#)
- [2 CFR 200.334 Federal Grants](#)
- [20 CFR 652.8 Wagner Peyser Administrative Provisions](#)
- [Secretary of State Records Retention Schedules](#)
- [MCA 2-6-10 Public Records, General Provisions](#)