



GUIDING MARION COUNTY'S WORKFORCE

POLICY OF EMPLOYINDY

Policy Name	Service Provider Records Retention and Document Destruction
Policy Number	2018-06
Program Funding Stream	All

REV	Description of Change	Author	Approval Date	Effective Date	Review Date
	Initial release	K. Duffy	10/18/2018	10/24/2018	10/24/2019

Purpose

To set forth standards for the retention of records by EmployIndy service providers.

Scope

This policy applies to EmployIndy service provider staff and all records maintained by service provider staff.

Summary of the Law, Rules, and Governing Policies

[2 CFR 200.333](#) outlines record retention requirements for Federal award grantees.

[45 CFR 75.361](#) outlines record retention requirements for Department of Health and Human Services (HHS) grantees.

[29 CFR 97.42](#) outlines record retention and access requirements for Department of Labor award grantees.

[Playing by the Rules: A Handbook for CDBG Subrecipients on Administrative Systems](#), a HUD publication, outlines requirements and recommendations for CDBG grantees.

For programs funded through a private funding stream, any special record retention requirements must be outlined in the grant agreement.

Responsibilities

Service provider managers are responsible for the recordkeeping and destruction of program records related to the program they administer.

Service provider managers are responsible for ensuring staff are trained on this policy, and for ensuring that the required information described in this policy is sent from the service provider to EmployIndy.

The EmployIndy staff contract owner is responsible for collecting the information required from service providers under this policy and distributing it to the following staff:

- EmployIndy Director of Quality and Analytics and the EmployIndy Manager of Policy, who are responsible for determining whether the information provided satisfies the policy requirements.
- EmployIndy Grants and Contracts Manager, who is responsible for attaching the information to the service provider's contract as a binding document once approved.

Policy Statement

Record Retention

For all records that a service provider maintains solely by virtue of their contract with EmployIndy, the service provider must, at a minimum, follow the record retention guidelines outlined in Attachment A of this policy. Service providers must keep records longer than outlined on the attached record retention schedule if:

- a) The service provider determines that laws or regulations uniquely affecting their operations require a longer retention period,
- b) The contract between the service provider and EmployIndy requires a longer retention period, or
- c) Document destruction is suspended by order of EmployIndy.

Document Destruction

Service provider staff may digitize client records and destroy original physical copies unless otherwise prohibited from doing so by program requirements or determination by an EmployIndy department director or EmployIndy leadership. Prior to destruction of physical copies within their retention period, employees must verify that the document has been properly digitized.

If a service provider staff member becomes aware of a government investigation, audit, or litigation concerning EmployIndy, EmployIndy leadership must be notified. In the event EmployIndy is served with a subpoena or request for documents, the EmployIndy Finance Department must notify staff of suspension of any further document destruction. The Finance Department must promptly inform all staff of any further destruction of documents until the department, with the advice of counsel, determines otherwise.

Information to be provided by service providers

When responding to an EmployIndy service provider RFP, all applicants must give a description of record retention and document destruction practices and policies currently in place for that entity.

Each contract executed between EmployIndy and a service provider must require the service provider to provide the following information to EmployIndy within 90 days of execution¹:

1. Which types of records detailed in Attachment A they maintain as a result of their contract with EmployIndy.
2. Where/in what form they are typically maintained (i.e. physical copies, uploaded to ICC, etc.)
3. Any additional laws or regulations uniquely affecting service provider operations which would require a longer retention period than prescribed in the record retention schedule detailed in Attachment A.
4. Procedures for the destruction/digitization of records.

All existing service provider contracts must be modified to include this requirement.

The EmployIndy contract owner must be responsible for collecting this information by the date specified in the contract and delivering copies to the EmployIndy Grants and Contracts Manager, Director of Quality and Analytics, and the Manager of Policy.

Once received:

1. The Director of Quality and Analytics and Manager of Policy must determine whether the information provided satisfies the requirements in this policy.
2. If approved, the Grants and Contracts Manager must attach the information provided to the contract as a binding document.

Termination of Contract

In the event a service provider contract with EmployIndy is terminated, the service provider must immediately surrender to EmployIndy all records that are:

1. Maintained solely by virtue of their contract with EmployIndy; and
2. Still within the retention period mandated by EmployIndy for that type of record

All additional copies of records maintained by the service provider solely by virtue of their contract with EmployIndy, including those outside of their retention period, must be immediately destroyed.

Exceptions

In the event of any questioned costs or contractual investigation or litigation, all records must be retained until adequate disposition is obtained.

Definitions

Program Records - All programmatic records, participant files, supporting documents, statistical records, and other records directly related to program operations, or otherwise pertinent to the program or grant agreement.

Governmental – Applies to federal, state, and local levels of government

Related Policies and Documents

¹ Extensions may be granted on a case-by-case basis with EmployIndy Department Director approval.

Policies:

[EmployIndy Information Security and Confidentiality Policy](#)

[EmployIndy Record Retention and Document Destruction Policy](#)

DRAFT

Attachment A: Program Record Retention Schedule

Program Records (by funding stream)	WIOA/WIA	3 years, after submission of final closeouts & reports
	HHS	3 years, after submission of final closeouts & reports
	HUD	4 years, after submission of final closeouts & reports
	RESEA	4 years, after submission of final closeouts & reports
	TAA	10 years total; 2 years in local office after submission of final closeouts & reports, then transferred to DWD for remaining 8 years
	Private funding source	3 years after submission of final closeouts & reports, unless funding agreement specifies terms exceeding 3 years

	Other governmental funding stream ²	3 years after submission of final closeouts & reports, unless agency regulations or rules specify other terms
--	--	---

DRAFT

² Includes pass-through entities.