



**WORKFORCE INNOVATION AND OPPORTUNITY ACT  
(WIOA)  
PROGRAM POLICY NOTICE NO. 9, REVISION 3**

**EFFECTIVE DATE: 4/18/2023**

**SUBJECT: ELECTRONIC FILE**

**REFERENCES.**

NMDWS State Technical Assistance Guide, Electronic File Management

**PURPOSE.**

This document provides guidance for uniform, paperless documentation of electronic records including participant files and other documents along with instructions on protecting participant information. This guidance provides instruction for the collection, dissemination, storage, and protection of information contained within digital files.

Any and all pertinent document information will be available for electronic review for monitoring purposes by State and Local System Administrator.

**BACKGROUND.**

The Northern Area Local Workforce Development Board (NALWDB) has transitioned to paperless record keeping by using an electronic document imaging and storage system. The NALWDB elects to first utilize electronic documents and requires electronic verification of eligibility requirements. The New Mexico Workforce Connection Online System (NMWCOS) allows internal and external access to provide all servicing partners the means to efficiently administer services to their participants. The One-Stop Operator shall ensure that the use of paperwork is reduced to a minimum. The electronic information will be made available to U.S. Department of Labor (USDOL) or State auditors or monitors who need access to carry out their official duties. Information will be made available by granting full access to the NMWCOS system.

**GUIDANCE.**

**A. Medical Records**

Currently, medical records containing information protected under the HIPM Act of 1996 - such as health status, provision of health care, or payment for health care will be referenced in case notes as appropriate and maintained in a paper format to be made available as needed for monitoring and auditing purposes. The NMWCOS vendor is in the process of

developing an enhancement to the document imaging module that will allow for suppression of sensitive documents that would only be accessible persons granted access to the documents through their security profile. When this becomes available the documents will be uploaded under the appropriate protocols for the module.

**B. Data Validation**

The NALWDB is required to establish procedures to ensure the information contained in the WIOA federal reports is valid and reliable. Data validation is the process intended to review participant files for accuracy and compliance. Eligibility and verification documentation are reviewed in this process. Additionally, the NALWDB, in concert with the New Mexico Department of Workforce Solutions (NMDWS), requires that the grant sub-recipients maintain appropriate participant documentation for data validation. The NALWDB requires these to be maintained in the document imaging module of the NMWCOS as well as 3rd party software Laserfische. This procedure eliminates the need for paper files to be provided by staff in the field, allowing the NALWDB monitoring staff, the NMDWS and USDOL to virtually validate supporting documentation. The NALWDB staff will work with provider staff to establish a process and guidance to ensure each provider has the tools necessary for compliance with the TEGl 39-11, Guidance on Handling and Protection of Personally Identifiable Information (PII) which specifically address the method for uploading and sharing of PII in information management systems.

**C. DOCUMENT DELETION**

The process of deleting an image that has already been saved to an applicant's electronic file can only be performed by the state or local System Administrator, or their designee. NALWDB has determined that service provider(s) operations staff will perform the document deletion function in field offices, or as designated by that service provider(s) management staff. Service provider(s) management staff must notify the NALWDB AE, in writing, of those staff who they have assigned to perform such function. Revision(s) of that list of individuals must be maintained and submitted to the NALWDB AE as new employees are assigned or leave the service provider(s) employment. Reason for the deletion must be noted in the NMWCOS case management module.

Some scenarios requiring the deletion of images may include the following:

- 1) image was saved to an incorrect program applicant's file; or,
- 2) image was saved under an incorrect document type.

**D. RECORD MAINTENANCE**

Subrecipients of WIOA funds shall keep records that are sufficient to permit the preparation of reports and to permit the tracking of funds to a level of expenditure adequate to ensure that the funds have not been spent on disallowable activities. Although digital files are intended to replace paper documents, records must be maintained in a manner that enables staff to produce a tangible paper document in the event they are needed.

Any and all pertinent documentation that is scanned is required to be legible in view and printed form. Illegible images must be removed, and the document must be rescanned until a legible image has been captured. The process of deleting an image that has already been2

saved to an applicant's electronic file can only be performed by the State or Local System Administrator. Scenarios requiring the deletion of images may include the following:

- A. Image was saved to an incorrect program applicant's file, or
- B. Image was saved under an incorrect document type

Documents scanned into the Content Management System are required to be scanned by case management staff. Uploaded documents must be processed, maintained, or discarded by case management staff to ensure the confidentiality of information and to safeguard against misuse.

Use of Content Management System in accordance with this policy provides opportunities for monitoring to be performed remotely. Information is readily available, and files are current due to the real-time entry of all documentation. Staff will be required to redact any HIPPA sensitive information uploaded into NMWCOS and all financial documentation will be uploaded to Laserfische.

Staff will maintain records in accordance with the NALWDB, USDOL, and NMDWS which requires the maintenance of records for a period of three (3) years after the last audit resolution. Typically, a period of five (5) years after exit will make all allowances necessary for this.

**E. CONFIDENTIALITY OF RECORDS**

Data or information acquired by an agency under a confidentiality agreement, to be used exclusively for statistical and/or eligibility determination purposes, shall not be disclosed by an agency in identifiable form for any use other than that purpose statistical purpose. Use of this information is prohibited except with the informed consent of the respondent (Public Law 107-347 Title V Section 512(b)(1)). Staff will have a release of information form signed and dated by the participant and the case manager. This form should state that the participant's information may be used for reporting purposes and service delivery design and that the participant's personal information will remain confidential, except as allowable under the release of information. The release form will be uploaded into the participant file the NMWCOS. This standardized form will be made available by the NALWDB staff and may be used as a stand-alone form or may be incorporated into other release forms used by the staff.

**F. FAMILY EDUCATIONAL RIGHTS AND PRIVACY**

Educational records are covered under the Family Educational Rights and Privacy Act (FERPA), enacted in 1974. This federal law protects the privacy of student education records. Under this law, students have the right to control disclosure of their education records. Student's education records may be disclosed only with the parent or student's prior written consent, unless (34 CFR 99.31):

- The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests;

- A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party;
  - Performs an institutional service or function for which the agency or institution would otherwise use employees;
  - Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and is subject to the requirements of §99.33(a) governing an educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interest. An educational agency or institution that does not oversee physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement of this section; or
  - The disclosure is, subject to the requirements of § 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

Participants who attend training through WIOA funded programs should sign and date a form authorizing the release of education records in order to obtain information or copies of certifications or diplomas from educational institutions for data validation and reporting purposes.

**G. LEGAL STATUS OF ELECTRONIC DOCUMENTS**

Electronic records submitted or maintained in accordance with procedures developed under this policy, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

This policy rescinds any previous NALWDB policy regarding subject.

**INQUIRIES:** Contact WIOA Program Manager at 505-986-0363.

  
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NALWDB Chair

4/18/23  
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Date