

**PEE DEE LWDA INSTRUCTION NUMBER: WIOA 18-012**

**TO:** Pee Dee LWDA Contractors

**SUBJECT:** Definition of Substantial Layoff

**ISSUANCE DATE:** February 14, 2019

**EFFECTIVE DATE:** February 1, 2019

**PURPOSE:** The purpose of this instruction is to transmit State Instruction 18-08 regarding the definition of a “substantial layoff” as it applies to the definition of “Dislocated Worker” under Workforce Innovation and Opportunity Act (WIOA). This policy rescinds State Instruction 08-04.

**BACKGROUND-** WIOA section 3 (15(B)(i) defines a “dislocated worker” to include a worker who has been terminated or laidoff or has received notice of termination or layoff from employment as result of a permanent closure, or substantial layoff at a plant, facility or enterprise. WIOA does not further define “substantial layoff”. Under the WIOA implementing regulations, the State may establish policies and procedures for use in determining an individual’s eligibility as a dislocated worker, consistent with the definition at WIOA section 2(15).

**ACTION:** The definition of a substantial layoff is generally defined as any permanent reduction in force resulting in an employment loss of at least 50 employees at a single site over 30-day period. The State Rapid Response Team may determine that a substantial layoff has occurred based on other factors may include, but are not limited to:

- The local unemployment rate;
- The employer size in comparison to the total number of jobs in the surrounding area and;
- If multiple employers, the potential number of employers involved, and the potential number of employees impacted.

**INQUIRIES:** Questions pertaining to this instruction should be directed to April Gaskins at (843) 669-3138.

  
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Henry McMaster  
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**STATE INSTRUCTION NUMBER 18-08**

**To:** Local Workforce Area Signatory Officials  
Local Workforce Area Board Chairs  
Local Workforce Area Administrators  
DEW Area Directors  
DEW Regional Managers

**Subject:** Definition of "Substantial Layoff"

**Issuance Date:** February 1, 2019

**Effective Date:** Immediately

**Purpose:** To issue State policy regarding the definition of a "substantial layoff" as it applies to the definition of "Dislocated Worker" under the Workforce Innovation and Opportunity Act (WIOA). This policy rescinds State Instruction 08-04.

**Background:** WIOA section 3(15)(B)(i) defines a "dislocated worker" to include a worker who has been terminated or laid off, or has received notice of termination or layoff, from employment as a result of a permanent closure, or substantial layoff, at a plant, facility, or enterprise. WIOA does not further define "substantial layoff." Under the WIOA implementing regulations, the State may establish policies and procedures for use in determining an individual's eligibility as a dislocated worker, consistent with the definition at WIOA section 3(15).

**Policy:** Generally, the definition of a substantial layoff is any permanent reduction in force resulting in an employment loss of at least 50 employees at a single site over a 30 day period. In addition, the State Rapid Response Team may determine that a substantial layoff has occurred based on other factors that may indicate a significant, negative impact on the community and/or local economy. Such factors may include, but are not limited to:

- The local unemployment rate
- The employer size in comparison to the total number of jobs in the surrounding area
- If multiple employers, the potential number of employers involved and the potential number of employees impacted

Local Workforce Development Areas (LWDAs) may request that the State Rapid Response Team consider whether a local area layoff is "substantial" by emailing the State Rapid Response Team at [RR@dew.sc.gov](mailto:RR@dew.sc.gov).

**Action:** Please ensure that appropriate staff receive and understand this policy.

**Inquiries:** Questions may be directed to Policies and Procedures at [PolnPro@dew.sc.gov](mailto:PolnPro@dew.sc.gov).

A handwritten signature in black ink that reads "Susan M. Boone". The signature is written in a cursive style with a horizontal line underneath the name.

Susan M. Boone, Chief Legal Officer  
SC Department of Employment and Workforce