



Mark Sanford
Governor

SOUTH CAROLINA
DEPARTMENT OF COMMERCE

Joe E. Taylor, Jr.
Secretary

STATE WIA INSTRUCTION NUMBER: 08-04

TO: Local Workforce Investment Areas (LWIAs)

SUBJECT: Definition of a Substantial Layoff

ISSUANCE DATE: April 22, 2009

EFFECTIVE DATE: Immediately

PURPOSE: To issue State policy concerning the definition of a substantial layoff.

BACKGROUND: Section 101(9)(B)(i) of the WIA statute defines a dislocated worker as an individual who “has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise.” However, the statute does not define the word “substantial”. WIA regulations allow states to establish policies in determining an individual’s eligibility as a dislocated worker, consistent with the definition in the WIA statute. To date, the State has used the Worker Adjustment and Retraining Notification (WARN) Act levels for both closures and layoffs. However, there is extreme variance in closure and layoff levels requiring WARN Act notification. For this reason, as well as the need to streamline intake and eligibility processes, the State is defining “substantial” layoff.

POLICY: 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 thirty (30) day period.

ACTION: You are responsible for the distribution and implementation of this WIA policy within your local workforce system.

INQUIRIES: Questions regarding this instruction may be directed to Ms. Michelle Paczynski at 803-737-3828 or mpaczynski@scommerce.com.


Margaret Torrey

Deputy Secretary for Workforce