



STATE WIA INSTRUCTION NUMBER: 08-09

TO: Upstate WIA Funded Staff/Contractors

SUBJECT: Definition of Substantial Layoff

ISSUANCE DATE: May 19, 2009

EFFECTIVE DATE: Immediately

**PURPOSE:** To issue the state policy via local instruction letter to define substantial layoff.

**REFERENCES:** State Instruction Letter number 08-04 and Section 101 (9)(B)(i) of the Workforce Investment Act.

**BACKGROUND:** 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:** All WIA funded staff and contractors will use this definition of substantial layoff in serving customers.

**INQUIRY:** Questions may be directed to Ms. Ann Fesperman at (864) 596-2028 or [fesperman@upstatewib.org](mailto:fesperman@upstatewib.org)

A handwritten signature in black ink, appearing to read "Ann Fesperman", is written over a horizontal line. The signature is fluid and cursive.

Ann Fesperman  
Executive Director Upstate Workforce Investment Board