

P.O. Box 995
1550 Gadsden Street
Columbia, SC 29202
dew.sc.gov



Henry McMaster
Governor

William H. Floyd, III
Executive Director

STATE INSTRUCTION NUMBER 25-13

To: Chief Elected Officials
Local Workforce Area Signatory Officials
Local Workforce Area Board Chairs
Local Workforce Area Administrators

Subject: LWDA Subsequent Designation and LWDB Subsequent Certification

Issuance Date: May 18, 2026

Effective Date: July 1, 2026

Purpose: To provide the requirements and procedures for requesting subsequent designation as a Local Workforce Development Area (LWDA) and subsequent certification as a Local Workforce Development Board (LWDB).

References:

- Workforce Innovation and Opportunity Act, Public Law 113-128, §§ 106-107
- 20 CFR Part 679, Subpart B and Subpart C
- 20 CFR §§ 683.630-683.640, 683.710(b)
- State Instruction Letters (SILs) 14-03, Change 1; 24-03; 25-12

Background: Under the Workforce Innovation and Opportunity Act (WIOA), the Governor must designate LWDAs within the state to receive Title I Adult, Dislocated Worker (DW), and Youth funds. LWDAs administer workforce development activities and execute Title I funds allocated by the State. The Governor must designate and redesignate LWDAs through consultation with the State Workforce Development Board (SWDB), CEOs, and LWDBs, and after consideration of comments received through a public comment process.

For initial LWDA designation, the Governor must consider the following factors:

- Alignment with labor market areas in the state
- Common economic development areas

- Availability of the Federal and non-Federal resources necessary to effectively administer activities under WIOA, including appropriate education and training providers

LWDA Subsequent Designation

After the period of initial designation and if requested by the CEO(s) and LWDB, the Governor must approve the request for subsequent designation if all the following criteria are met for the two most recent program years:

- The local area performed successfully, which means that the LWDA:
 - Met or exceeded each of the following performance measures related to the WIOA indicators of performance described at 20 CFR § 677.155(a)(1) for the two most recently completed program years:
 - Individual Indicator Score of 50% or higher
 - Overall Program Score of 90% or higher
 - Overall Indicator Score of 90% or higher
 - Has not failed any individual measure for the last two consecutive program years
- The local area sustained fiscal integrity, which means that the Department of Labor (DOL) has not made a formal determination that either the grant recipient or the administrative entity in the area mis-expended funds due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration for the two-year period preceding the determination.
- The local area met the regional planning requirements described in WIOA § 106(c)(1).

LWDB Subsequent Certification

The CEO(s) in a LWDA are authorized to appoint the members of the LWDB for such area, in accordance with the state criteria established under WIOA § 107(b). Once every two years, the Governor must certify one LWDB for each LWDA. Subsequent certification is based on the following factors:

- The criteria established for LWDB membership under WIOA § 107(b)
- The extent to which the LWDB has ensured that workforce investment activities carried out in the LWDA have enabled the LWDA:
 - To meet the corresponding performance accountability measures
 - To achieve sustained fiscal integrity, as defined above

If a LWDB is not certified, the Governor may require new LWDB be established in accordance with the most updated state instruction letter on *State Criteria for WIOA Local Workforce Development Boards*.

NOTE: After providing notice and an opportunity for comment, the Governor must decertify a LWDB for fraud, abuse, or failure to carry out the LWDB's functions specified in WIOA § 107(d).

Policy: The following procedures will be used to request subsequent designation as a LWDA and to request subsequent certification as a LWDB.

Formal Designation Petition

The attachment to this policy, **LWDA Subsequent Designation Petition**, must be used to request LWDA subsequent designation. The petition must include:

- Consortium agreement (if applicable)
- Certification that the area performed successfully and sustained fiscal integrity for the preceding two-year period (for existing LWDA)
- A completed attachment **A: LWDB Membership List**
- A completed attachment **B: LWDA Designation of Grant Recipient & Fiscal Agent**
- Signatures of CEOs from petitioning counties
- Documentation that public input was solicited and of any comments received

Signatures. Electronic signatures are authorized and strongly encouraged for timely execution of the petition and related documents.

Consortium Agreement

Should a LWDA include more than one unit of general local government, the CEOs of such units must negotiate a consortium agreement to establish a LWDA to deliver WIOA funded services. Such agreement will, at a minimum:

- Determine the distribution of fiscal liability among the CEOs
- Delineate relationships among the CEOs for the implementation of WIOA provisions
- Address the appointment of individuals to the LWDB
- Designate an entity to serve as the local grant recipient and fiscal agent for the area

NOTE: Designation of a fiscal agent does not relieve CEOs of their liability for any misuse of funds.

CEO Changes. Consortium agreements must be reviewed and updated when the CEOs who negotiated and executed the existing agreement changes. If the existing agreement must be changed, the new CEO(s) must update the content, and all CEOs must sign the new agreement. If no changes are required, the new CEO(s) must sign an addendum to the existing agreement. By signing the addendum, the new CEO(s) verifies that they 1) understand their responsibilities under the agreement, 2) consent to comply with the agreement, and 3) attest that the existing agreement has been reviewed and no changes are needed.

LWDB Certification Criteria

In appointing members to the LWDB, the CEO(s) must comply with the most updated state instruction letter on *State Criteria for WIOA Local Workforce Development Boards*. The Governor will certify LWDBs based on the state criteria contained in such state instruction letter.

When there is a change in CEO(s), the LWDB must inform the new CEO(s), in a timely manner, of their responsibilities and liabilities, as well as the need to review and update any written agreements among the CEOs.

Timeline

1. All formal **LWDA Subsequent Designation Petitions** must be submitted to WorkforceSupport@dew.sc.gov by October 30, 2026.
2. A review of the petitions will be presented to and voted on by the Executive Committee of the SWDB and the full SWDB. The SWDB recommendations on the petitions will be made to the Governor.
3. Final subsequent designation of LWDA's for the program years 2026 and 2027 will be made by June 30, 2027.

Appeals

Appeal to the SWDB

A unit of local government, a combination of units, or a LWDA which has requested but been denied its request for subsequent designation as a LWDA may appeal the decision, in accordance with WIOA § 106(b)(5), 20 CFR § 683.630(a), and the WIOA State Plan. The appellant must explain why it believes the denial is contrary to the provisions of WIOA § 106(b)(2) or WIOA § 106(b)(3) and 20 CFR § 679.250. No other cause for appeal will be considered under this section.

Such a unit or LWDA may submit a written appeal to the Department of Employment and Workforce (DEW) within 30 calendar days of the LWDA's being denied subsequent designation. If the 30th day falls on a weekend or holiday, the deadline will be extended to the next business day. Appeals must be submitted by registered mail, clearly identified as "Dated Material," and addressed to:

State Workforce Development Board
C/O: SC Department of Employment and Workforce
Attn: Workforce Support—Appeal of Denial of LWDA Designation, Suite 515
P.O. Box 995
Columbia, SC 29202

The following procedures will apply:

- The chairperson of the SWDB will designate the Executive Committee or an Ad Hoc Committee of at least three SWDB members to hear the appeal.
- The designated SWDB representatives will hear the appeal and issue a written decision within 60 business days.

Appeal to the Secretary of Labor

If the decision on the appeal is not rendered in a timely manner or if the appeal to the SWDB does not result in designation, the appellant may request a review by the Secretary of Labor. Appeals must be filed no later than 30 days after written notification of the denial from the SWDB is received and must be submitted by certified mail, return receipt requested, to the Secretary:

U.S. Department of Labor
Attn: ASET
200 Constitution Ave. NW
Washington, DC 20210

The appellant must establish that the petitioning LWDA was not accorded procedural rights under the appeal process set forth in the WIOA State Plan or establish that it meets the requirements of WIOA §§ 106(b)(2) or (3) and 20 CFR § 679.250. If the Secretary determines that the appellant has met its burden of establishing one of these allegations, the Secretary may require that the area be designated as a LWDA. In making this determination, the Secretary may consider any comments submitted by the SWDB in response to the appeal. The Secretary will issue a written decision to the Governor and the appellant.

Action: Please ensure that local CEOs, board members, and appropriate staff receive and understand this policy.

Inquiries: Questions may be directed to WorkforcePolicy@dew.sc.gov.



Nina Stagers, Assistant Executive Director
Workforce Development Division

State Instruction 25-13

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ATTACHMENTS

- LWDA Subsequent Designation Petition
 - A: LWDB Membership List
 - B: LWDA Designation of Grant Recipient & Fiscal Agent

D. List the following information of the primary contact person regarding this petition:

Name:
Title:
Mailing Address:
Telephone Number:
Fax Number:
E-Mail Address:

Section II. Consortium Agreement

Should a LWDA include more than one unit of general local government, the CEOs of such units must negotiate a consortium agreement to establish a LWDA to deliver WIOA funded services. Such agreement will, at a minimum:

- Determine the distribution of fiscal liability among the CEOs
- Delineate relationships among the CEOs for the implementation of WIOA provisions
- Address the appointment of individuals to the LWDB
- Designate an entity to serve as the local grant recipient and fiscal agent for the area

Designation of a fiscal agent does not relieve CEOs of their liability for any misuse of funds.

The consortium agreement must be included as an attachment to this subsequent designation petition.

Section III. Existing Workforce Area

A. In the tables below, provide the final WIOA performance data for each of the last two consecutive years.

Program Year 2025 (July 1, 2025 – June 30, 2026)							
Performance Measure		Employment Rate Q2	Employment Rate Q4	Median Earnings	Credential Rate	Measurable Skill Gains	Overall Program Score
Title I Adult	Goal						
	Actual						
	% of Goal						
Title I DW	Goal						
	Actual						
	% of Goal						
Title I Youth	Goal						
	Actual						
	% of Goal						
Overall Indicator Score							

Program Year 2024 (July 1, 2024 – June 30, 2025)							
Performance Measure		Employment Rate Q2	Employment Rate Q4	Median Earnings	Credential Rate	Measurable Skill Gains	Overall Program Score
Title I Adult	Goal						
	Actual						
	% of Goal						
Title I DW	Goal						
	Actual						
	% of Goal						
Title I Youth	Goal						
	Actual						
	% of Goal						
Overall Indicator Score							

B. The LWDA must meet or exceed all the following performance measures related to the WIOA indicators of performance described at 20 CFR § 677.155(a)(1) for the two most recent program years:

- Individual Indicator Score of 50% or higher
- Overall Indicator Score of 90% or higher
- Overall Program Score of 90% or higher

A LWDA that fails to meet any of the individual measures for the last two consecutive programs will be considered not to have met performance. If any measure was not met in either program year, state in this petition, 1) the reason(s), 2) the corrective action measures taken, and 3) the current status.

C. The LWDA must sustain fiscal integrity regarding funds provided under WIOA. DOL must not make a formal determination that either the grant recipient or the administrative entity of the area mis-expended funds due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration for the two-year period preceding the determination.

Section IV. Local Board Information

Using the attachment, **A: LWDB Membership List**, provide a list of local board members, to include composition categories and contact information.

Section V. Grant Recipient/Fiscal Agent

Using the attachment, **B: LWDA Designation of Grant Recipient & Fiscal Agent**, designate the grant recipient and fiscal agent for the area. Signature of the lead official and each CEO is required. Electronic signatures are authorized and strongly encouraged for timely execution.

Section VI. Public Comment

Attach documentation that public input was solicited and provide all comments received.

Section VII. Assurances and Signatures

A. The CEOs making this designation petition assure the following:

- They are duly authorized to participate in, and on behalf of, the governing bodies of the specified county/counties. Documentation of this authorization can be provided.
- They will comply with the requirements of WIOA, all Federal regulations implementing WIOA, any revisions or amendments, as well as any state issued instruction letters, and all applicable Federal, state, or local rules and regulations.
- They accept liability for any misuse of grant funds.

B. Electronic signatures are authorized and highly encouraged for timely execution.

I/We, the undersigned CEO(s) of the petitioning county/counties, do hereby submit this formal designation petition under the conditions delineated herein and with the assurances specified herein.

<u>County</u>	<u>Signature</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Submit Petition to WorkforceSupport@dew.sc.gov by 5:00 p.m., October 30, 2026.

WIOA Local Workforce Development Board Membership

Business Representatives (per WIOA section 107(b)(2)(A))				
No.	Name	Affiliation and Title	Contact Phone and Email	Address
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

LWDA Workforce Representatives (per Section 107(b)(2)(B))

No.	Name	Affiliation and Title	Contact Phone and Email	Address
1				
2				
3				
4				
5				
6				
7				
8				

Education & Training Representatives (per Section 107(b)(2)(C))

No.	Name	Affiliation and Title	Contact Phone and Email	Address
1				
2				
3				
4				
5				

Governmental, Economic, and Community Development Representatives (per Section 107(b)(2)(D))

No.	Name	Affiliation and Title	Contact Phone and Email	Address
1				
2				
3				
4				

5				
6				

Other Representatives (per Section 107(b)(2)(E))				
No.	Name	Affiliation and Title	Contact Phone and Email	Address
1				
2				
3				

Denote multiple representations with an asterisk (*).

	Number	Percentage
<i>Total Seats:</i>		
<i>Total Seats Filled:</i>		
<i>Total Seats Vacant:</i>		
<i>Seats Filled Representing Business:</i>		
<i>Seats Filled Representing the LWDA Workforce (must be at least 20%):</i>		
<i>Seats Filled Representing Education & Training:</i>		
<i>Seats Filled Representing Government, Economic & Community Development Entities:</i>		
<i>Seats Filled Representing Other Entities (as determined appropriate by CEOs):</i>		

(Enter name) Local Workforce Development Area

Designation of Grant Recipient & Fiscal Agent

The Chief Elected Officials (CEOs) of the _____ Local Workforce Development Area (LWDA) hereby designate _____ as the grant recipient and fiscal agent pursuant to the Workforce Innovation and Opportunity Act (WIOA).

While WIOA permits the local CEOs to designate an entity to serve on their behalf as grant recipient and fiscal agent, the CEOs understand that this designation does not relieve them of their liability for any misuse of grant funds. The use of electronic signatures is authorized and strongly encouraged for timely execution.

<u>County</u>	<u>Authorized Signature</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

As the authorized signatory official of _____, I accept the responsibilities as WIOA grant recipient and fiscal agent for the _____ LWDA.

Printed Name and Title

Signature

Date