

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 25-11

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

Subject: **Delivery of Dislocated Worker Services**

Issuance Date: April 14, 2026

Effective Date: Immediately

Purpose: To provide guidance on the delivery of services for the Workforce Innovation and Opportunity Act (WIOA) Title I Dislocated Worker (DW) program. **This guidance supersedes State Instruction Letter 20-15, Change 1.**

References:

- Workforce Innovation and Opportunity Act, Public Law 113-128, §§ 3, 129, 132, 134, 170
- 20 CFR §§ 678.430; 680.100–680.130; 680.600–680.660; 681.500
- Training and Employment Guidance Letters (TEGLs) 16-16; 16-16, Change 1; 19-16; 7-18; 10-23, Change 3; 23-19, Change 3
- State Instruction Letters (SILs) 14-02; 15-17, Change 3; 19-05, Change 3; 20-09, Change 1; 20-11; 20-13; 21-03; 24-12

Background: WIOA is designed to help jobseekers secure the employment, education, training, and support services necessary to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. Determining customer eligibility ensures that individuals access the services both needed and allowed under WIOA. Furthermore, collecting and maintaining applicable source documentation ensures program accountability and alignment with the goals of WIOA.

Policy: Dislocated workers who receive services under WIOA Title I, other than self-service or information only activities, must be authorized, determined eligible, enrolled in the program, and considered a participant for WIOA Title I services.

To be eligible to receive career services through the WIOA Title I DW program, an individual must meet all the following requirements:

- A US citizen or a non-citizen who is authorized to work within the US
- Registered with Selective Service (if applicable)
- Meet the definition of “dislocated worker” as defined below

NOTE: Under 20 CFR § 680.660, service members who are exiting the military, including, but not limited to, those who receive or are eligible for Unemployment Compensation for ex-service members (UCX), generally qualify as dislocated workers.

Dislocated Worker – means an individual who:

- A. (i) Has been terminated or laid off, or who has received a notice or termination or layoff from employment, including separation notice from active military service (under other than dishonorable conditions)
- (ii) (I) Is eligible for or has exhausted entitlement to unemployment compensation, or
(II) Has been employed for a duration sufficient to demonstrate, to the appropriate entity at an SC Works center referred to in WIOA § 121(e), attached to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law, and
- (iii) Is unlikely to return to a previous industry or occupation (defined below)
- B. (i) 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, military installation or enterprise
- (ii) Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days, or
- (iii) For purposes of eligibility to receive services other than training services described in WIOA § 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility or military installation will close
- C. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters
- D. Is a displaced homemaker, as defined in section 3(16) of WIOA
- E. (i) Is the spouse of a member of the Armed Forces on active duty (as defined in 10 USC § 101(d)(1)), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member, or
- (ii) Is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B)

Unlikely to Return to a Previous Industry or Occupation. An individual is unlikely to return to a previous industry or occupation when (a) there is a lack of growth, (b) there is a decline in job openings or employment opportunities, or (c) the individual has been laid off without a recall date/the date has passed and needs additional services or training. Examples include:

- Skill Oversupply – There is an excess number of workers locally with similar skill sets and experience seeking limited, related employment opportunities.
- Obsolete Skills – The individual no longer meets the minimum requirements of the jobs available in their occupation.
- Local Layoff Impact – Local business closing(s) or layoffs have had a significant negative impact on job availability in the individual's primary occupation and accustomed wage/hour/skill level.
- No Job Offers Received – The individual has been available and looking for work for a number of weeks and has not received an offer of work.
- Physical Limitations or Disabilities – The individual has newly acquired physical limitations or injuries which limit their ability to perform the job they were dislocated from.

NOTE: An individual laid off on a temporary basis or furloughed with a specific return to work date does not meet the definition of "unlikely to return to a previous industry or occupation."

The following forms of documentation can be used to demonstrate "unlikely to return":

- Labor market information indicating any of the following:
 - The individual's skills are not currently in demand
 - The individual cannot meet the skill requirements for jobs currently available in their chosen occupation
 - Either no jobs or only part-time jobs are available that match the individual's skills
- Job search records demonstrate that no job offers were received for a period of weeks prior to WIOA enrollment
- Documentation from a physician/applicable professional, of acquired physical limitations or injuries, that limit the individual's ability to perform the job they were dislocated from
- Documentation from an employer or unemployment insurance (UI) where no return-to-work date was given or the date has passed with no job availability (For UI documentation, claimants can access their return-to-work status in the UI My Benefits self-service portal. See attachment, **Unlikely to Return UI Documentation.**)

Career Services

Career Services for DWs are categorized as basic career services, individualized career services, and follow-up services. The distinction in levels of service is not intended to imply a sequence of services; they may be provided in any order. This approach provides local workforce development areas (LWDAs) and service providers with flexibility to target services that meet the

needs of the customer, while still allowing for tracking of outcomes for reporting purposes. See the attachment, **WIOA Career Services**, for a further breakdown of each career service type.

Basic Career Services. These services are universally accessible and must be made available to all individuals seeking employment and training services in at least one Comprehensive SC Works center in each LWDA.

Individualized Career Services. These services must be provided to participants after SC Works center staff determine that such services are required to retain or obtain employment, consistent with any applicable statutory priorities. Local workforce development boards (LWDBs) must identify the assessments to be used to determine eligibility and ensure eligibility determination procedures are consistent with state policies.

Follow-up Services. These services must be provided to participants who are placed in unsubsidized employment, for up to 12 months after the first date of employment.

Training Activities

Training services may be provided to employed and unemployed DWs who:

- SC Works center staff determines, after conducting an interview, an evaluation, or assessment, and career planning, are:
 - Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services
 - Need training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment
 - Have the skills and qualifications to successfully participate in the selected program of training services
- Selected a training service program that is directly linked to the employment opportunities in the LWDA
- Are unable to obtain grant assistance from other sources to pay the costs of such training
- Are determined eligible in accordance with state and local priority system in effect for adults under WIOA § 134(c)(3)(E) — if training services are provided through the WIOA Adult funding stream

Training services must be provided either through an Individual Training Account (ITA) or through a training contract. Except in certain instances listed in 20 CFR § 680.320, training services must be provided by an Eligible Training Provider (ETP) in accordance with WIOA § 122(d). See the most updated state policy on the *Eligible Training Provider List* for more information on eligibility requirements.

Work-Based Training. WIOA provides additional training options and flexibilities for DWs. The allowed types of work-based training, including registered apprenticeships (RA), on-the-job training (OJT), and customized training are outlined in TEGL 19-16, section 12.

Incumbent Worker Training (IWT). IWT provides both workers and employers with the opportunity to build and maintain a quality workforce. Under WIOA § 134(d)(4), a LWDB may use up to 20% of their Adult and DW funds to provide for the federal share of the cost of providing IWT. Participants in IWT are only required to meet the eligibility requirements for participation in the DW program if they are also enrolled in the DW program. See the most updated state Instruction letter on *Incumbent Worker Training* for further guidance.

Supportive Services

Supportive services may be made available to any DW participating in career services or training activities who are unable to obtain such services through other programs. These services must be necessary to enable participation in career services or training activities. Supportive services may not be used to extend the date of exit for performance accountability purposes.

Follow-up career services are not a qualifying service for the receipt of supportive services; an individual who is only receiving follow-up services may not receive supportive services. To receive ongoing supportive services, an individual must continue to participate in career services (other than follow-up), training activities, or both.

LWDBs, in consultation with SC Works center partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination, including procedures for referral to such services and how such services will be funded when they are not otherwise available from other resources. Supportive services are outlined at 20 CFR §§ 680.900-680.970.

NOTE: LWDAs must indicate whether needs-related payments (NRPs), consistent with 20 CFR §§ 680.930-680.970, are available in their supportive services policies.

Data Validation and Self-Attestation

Data Validation. Data validation is a series of internal controls or quality assurance techniques established to verify the accuracy, validity, and reliability of data. The purpose of validation procedures and required performance data are to:

- Verify performance data are valid, accurate, reliable, and comparable across programs
- Identify anomalies in the data and resolve issues that may cause inaccurate reporting
- Improve program performance accountability through the results of data validation
- Outline source documentation required for common data elements

Self-Attestation. Self-attestation occurs when a participant states his or her status for a particular data element, signing and dating a form to acknowledge this status. An electronic/digital signature can include an email, text, or unique online survey response, so long as the response is participant generated and traceable to the participant. Where self-attestation is listed as an option for source documentation in TEGl 23-19, Change 3, Attachment II, the lack of source documentation must not delay or prevent enrollment and receipt of services.

Self-attestation, or self-reported supplemental wage data information from participants through post-exit follow-up, may only be used when all efforts to collect other allowable source documentation have been exhausted. The use of self-attestation, or self-reported supplemental wage data information from participants through post-exit follow-up must be limited.

The collection of source documentation for data validation will often take place at the same time as the determination of an individual's program eligibility; however, these actions serve different purposes. LWDAs are encouraged to use WIOA funding to assist participants in acquiring documentation needed for employment when unavailable through other means.

See the most updated policy on *Performance Data Validation for DOL Workforce Programs* for further information on source documentation and data validation.

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

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



Nina Staggars, Assistant Executive Director
Workforce Development Division

ATTACHMENTS

- WIOA Career Services
- Unlikely to Return UI Documentation

WIOA CAREER SERVICES

Career services, as identified in WIOA § 134(c)(2), are categorized as basic career services, individualized career services, and follow-up services. The distinction in levels of services is not intended to imply a sequence of services; they may be provided in any order.

BASIC CAREER SERVICES

Outlined at 20 CFR § 678.430(a), basic career services must be made available and, at a minimum, must include the following services, as consistent with allowable program activities and Federal cost principles:

1. Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs
2. Outreach, intake (including worker profiling), and orientation to information and other services available through the SC Works delivery system
3. Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive services needs
4. Labor exchange services, including:
 - a. Jobs search and placement assistance, and, when needed by an individual, career counseling, including:
 - i. Provision of information on in-demand industry sectors and occupations (as defined in WIOA § 3(23))
 - ii. Provision of information on non-traditional employment
 - b. Appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the SC Works delivery system
5. Provision of referrals to and coordination of activities with other programs and services, including programs and services within the SC Works delivery system and, when appropriate, other workforce development programs
6. Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including:
 - a. Job vacancy listings in labor market areas
 - b. Information on job skills necessary to obtain the vacant jobs listed
 - c. Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs
7. Provision of performance information and program cost information on eligible providers of education, training, and workforce services by program and type of providers
8. Provision of information, in usable and understandable formats and languages, about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's SC Works delivery system

9. Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance
10. Provision of information and meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation
 - a. "Meaningful assistance" means:
 - i. Providing assistance on-site using staff who are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants, or
 - ii. Providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time
 - b. The costs associated in providing this assistance may be paid for by South Carolina Unemployment Insurance (UI) program, or the WIOA Adult or Dislocated Worker programs, or some combination thereof
11. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA

INDIVIDUALIZED CAREER SERVICES

Outlined at 20 CFR § 678.430(b), individualized career services must be made available if determined appropriate for an individual to obtain or retain employment. These services include the following, as consistent with program requirements and Federal cost principles:

1. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—
 - a. Diagnostic testing and use of other assessment tools, and
 - b. In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals
2. Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve their employment goals, including the list of, and information about, the eligible training providers (as described in 20 CFR § 680.180)
3. Group counseling
4. Individual counseling
5. Career planning
6. Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training
7. Internships and work experiences that are linked to careers (as described in 20 CFR § 680.170)
8. Work preparation activities
9. Financial literacy services as described in WIOA § 129(b)(2)(D) and 20 CFR § 681.500

10. Out-of-area job search assistance and relocation assistance
11. English language acquisition and integrated education and training programs

FOLLOW-UP SERVICES

Follow-up services must be provided in accordance with the most updated state instruction letter on *Follow-Up Services for WIOA Title I Program Participants*.

How to Review a UI Claimant's Return to Work Status

1. Log into the MyBenefits portal. The claimant homepage will open. Click the "Claims" link at the top of the screen.

South Carolina Department of
Employment and Workforce

Thursday, July 27, 2023 Welcome Claimant ID: [icon]

Dashboard **Claims** Confirmation History Appeals Documents My Profile

WELCOME

Actions Required

- Go To My Home Page
- Go To Employment Service

Important Messages

WEEKLY CERTIFICATION: Claim weeks run Sunday through Saturday. EVERY WEEK you must complete a weekly certification in the MyBenefits portal. That simply means you are confirming with the agency that you did not work the previous week and that you are able and available to work. To help you understand the Unemployment Insurance process, you will be required to view a video the first week after you file your initial claim and then every few weeks as you continue to file for unemployment benefits.

WORK SEARCH: Each week that you certify for benefits, you are required to complete at least two work searches in the SC Works Online Services (SCWOS) portal while logged into your SCWOS account. This active search for work helps increase your chances of finding the right job, as well as getting a job offer.

REPORT EARNINGS: You may have the opportunity to work part-time while you are filing for unemployment. When you certify your claim, you must report the earnings for any work you did the previous Sunday through Saturday claim week, even if you have not yet been paid for that work.

2. On the Claims screen, click "View" underneath the "View Initial Claim Summary" header.

South Carolina Department of
Employment and Workforce

Thursday, July 27, 2023 Welcome Claimant ID: [icon]

Dashboard **Claims** Confirmation History Appeals Documents My Profile

CLAIMS

Current Claim

CLAIM ID	PROGRAM	EFFECTIVE DATE	END DATE	MAXIMUM BENEFIT	WEEKLY BENEFIT	REMAINING BALANCE	PAYMENTS	MONETARY DETERMINATION	NON-MONETARY DETERMINATION	VIEW INITIAL CLAIM SUMMARY
[REDACTED]	UI	01/01/2023	12/30/2023	\$3,260.00	\$163	\$0.00	View	View	View	View

Claims History

Nothing found to display

3. When the Claim Summary document opens, scroll down to the Separation section to the return to work question. Review the question response and the return to work date. If the claimant answered the question as “No,” then the return date will be blank.

Use this screen for UI documentation of “unlikely to return.”

Separation - Regular	
Employer Name	FLASH MARKET LLC, DBAFLASH MARKET LLC
Reason Employment ended:	Business Closure
If Quit or Discharge select the reason why?	
Do you think you will be returning to work for this employer	No
If yes, what date do you think you will return to work (best guess):	
State where work was performed:	South Carolina
City where work was performed:	spartanburg
Primary Occupation with this employer:	Cashiers
Are you an owner, corporate officer, or stakeholder of this employer?	No
What were your total earnings with this employer from	12000.0