

Office of Foreign Labor Certification
2019 CW-1 Prevailing Wage Determination Filing Tips
March 2019

The following “filing tips” are based on the Northern Mariana Islands U.S. Workforce Act of 2018 signed into law on July 24, 2018. These filing tips are intended to alert employers to how to fully complete the Prevailing Wage portion of the process to avoid delays in the processing of their CW-1 application. Employers can obtain more detailed information on the CW-1 program by visiting the CW-1 program information tabs at <https://flag.dol.gov/> and the OFLC website at: <https://www.foreignlaborcert.doleta.gov/>.

1. One Prevailing Wage Determination (PWD) may be used for many positions with the same characteristics:

- Same employer
- Same requirements
- Same job duties
- Same location(s)

2. Employers Must Complete the Application for Prevailing Wage Determination Form ETA-9141C:

- The Requestor may work for the employer or be an agent or attorney. This person:
 - Does not need to be physically present in Commonwealth of the Northern Marianas Islands (CNMI).
 - Will be the National Prevailing Wage Center (NPWC) contact for the determination.
 - Will receive the determination.
 - Will receive and be responsible for responding to any request for information (RFI).
 - Will be the person who may request Center Director Review.
- The address in **Employer Information** is not necessarily the work location.
 - Expected to be where the administrative offices of the business are located.
 - Does not have to be in the CNMI.
- Under **Job Offer Information**:
 - Enter the business title.
 - Suggested occupation is an option but not required.
 - If the position does any of the following, mark yes to supervise:
 - Direct the tasks other workers are performing.
 - Track time and and/or attendance of other workers.
 - Evaluate another workers performance.
 - Coordinate the activities of other workers.
 - Have authority to hire or fire workers.
 - For the level of workers supervised:
 - A **Subordinate** refers to work performed in an occupation that is different than the requested position and normally takes direction from a person in the

position being requested. *For example: a nurse is a subordinate occupation to a physician since physicians normal direct the work of nurses.*

- A **Peer** is when the occupation of the position and the workers are of the same skill level and there is no inherent supervisory relationship. *Examples: An accountant who directs the work of other accountants; a construction trade worker who directs and coordinates the activities of several other trade and labor workers.*
 - Be specific when entering **Job Duties**:
 - Include only tasks, tools, and products and processes. Requirements or qualifications are located elsewhere on the form.
 - The job duties should include as many statements as necessary to describe the position effectively. Examples include:
 - *Use basic carpentry hand and power tools to assemble furniture.*
 - *Create financial statements using accounting software.*
 - *Take customer orders at their dining table.*
 - *Excavate ground at construction site according to civil engineers drawings using a front loader, bulldozer, or scrapper as needed.*
 - *Clean common areas using vacuum cleaner, cleansers and towels.*
 - If the NPWC asks a question about this section in an Request for Information (RFI) you can provide details, clarification, or further elaborate but please NOTE that the original submitted job duties cannot be removed in the RFI response.
 - Do not include irrelevant information such as the nature of the employer, weather related conditions, etc.
- For CW-1 visas, no work-related travel outside of CNMI is permitted.
- **Minimum Job Requirements:**
- The prevailing wage is based upon the qualifications any person must have to begin doing the work needed by the employer. It is not based on an individual.
 - Mark the highest appropriate U.S. education level.
 - This is formal education resulting in a diploma or degree.
 - “Other” is used for first professional degrees, no matter the title. Some are called doctorates and some masters such as JD, MD, MSW et al.
 - The major or field of study is what is needed to gain the knowledge to perform the tasks for this position. Enter “N/A” for “None” or “High School”.
 - The Second Degree section is completed if an additional degree is required normally when a bachelor’s degree is the foundation for the professional degree or when two degrees are needed to obtain the knowledge or skills. For example: Bioinformatics often needs both mathematics/ statistics and molecular biology degrees.
 - **Training** is formal instruction that is not education.
 - Apprenticeship is a form of training and some training may be paid.
 - Product certifications based upon instruction are training.
 - Computer skills such CNE, MCD.
 - Some portion of licenses may be training such as physician residencies
 - A time period should not be listed as training and experience. For example:

- A formal apprentice of 48 months should be listed as training.
- The 24 months of medicine residency is training, not experience.
- **Experience** is the time where a person performs tasks outside of education or training. Experience may be how a person gains the knowledge or skill needed to perform the tasks in the job duties.
 - List the experience required to perform the tasks associated with the job opportunity; this is not the same as the personal experience of the incumbent.

➤ **Place of Employment Information:** The address fields on this form are intended to convey a physical location. Since the CNMI has various ways of expressing this, this form should be filled out in accordance with the examples below. Please note that each has some indicator, other than the P.O. Box, of where a person would physically report.

Example	Street Only	Address & P.O. Box	P.O. Box Only
Address 1	Palm Avenue, Beach Road	1338 Asension Drive	San Jose Village
Address 2	Garapan	Capitol Hill, P.O. Box 10007	P.O. Box 520790
City	Saipan	Saipan	Tinian
State	MP	MP	MP
Postal Code	96950	96950	96952

3. What to expect on the determination:

- The Requestor will receive an e-mail with the determined Form ETA-9141C which includes:
 - The determination date.
 - The occupation used for the wage.
 - The source of the wage is: Governor's survey (none approved as of March 2019); Guam OES wage; Or, OES adjusted wage.
 - Notes about the determination, including any occupations other the one listed above.
 - The validity period of the determination.
- The validity period is the date range on which the specific PWD can be used in support of a TLC application
 - Begin date is always the determination date.
 - The end date may vary but will never be greater than 365 and no less than 90 days.
 - Determinations before April 1st, the end date will be June 30th.
 - Determinations from April 1st to June 30th will end after 90 days – the actual date will be on the determined form.
 - Determinations on July 1st and after will again run through June 30th.
 - The new OES wages are effective on July 1st.
 - No wage paid to a worker may be lower than the federal/state minimum wage regardless of the prevailing wage issued or the surveyed wage provided in an approved survey.

4. What do I do if I don't agree with the determination?

- The Requestor may ask for a review of the occupation used for the wage by writing the center **within 7 calendar days of the determination** at FLC_NPWC@dol.gov and include the following:
 - The case number and the reason the employer does not agree with the occupation selected.
- If the employer still does not agree with the occupation assigned the Requestor may ask for review by BALCA within 10 days of the center director's determination.
- The employer may not appeal the wage value for a particular occupation.
 - There are procedures for representatives of the Governor to provide information on the survey when provided.
 - The OES survey is highly vetted before publication and is not specific to OFLC.