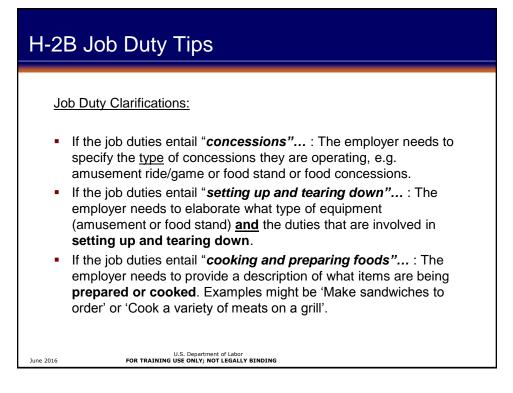


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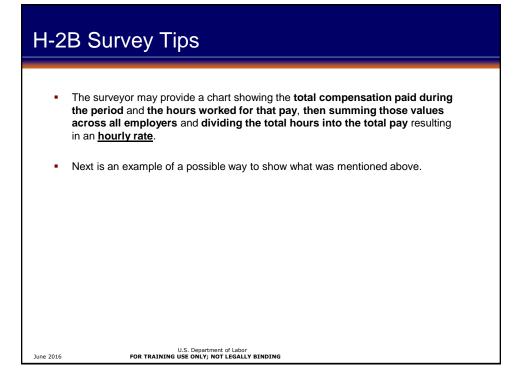
# H-2B Job Duty Tips Reminder: Job Duties: The employer is to describe the job duties, in detail, to be performed by any worker filling the job opportunity. They are to specify the field(s) and/or product(s) involved, any equipment to be used, and pertinent working conditions. The duties provided must be specific enough to be classified under a relevant SOC pursuant to the O\*Net publication. All job duties must be submitted on the form. Job Duty Clarifications: If the job duties entail "*loading and unloading*"... Due to brevity of most of the submitted job descriptions, it is difficult to determine what the load/unload duties actually entail. The employer must clarify what the position is loading and unloading; since, some cases are unclear if the load/unload duties are to and from a truck or movement within the workstation.

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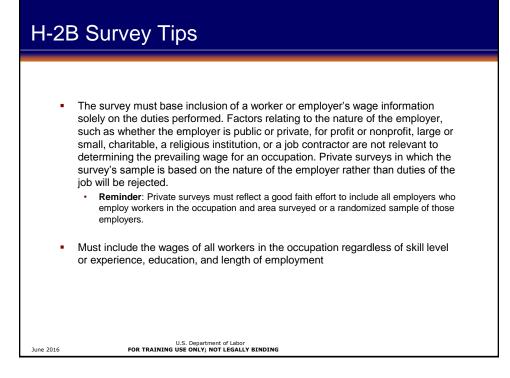
June 2016



H-2B Survey Tips
<ul> <li>Employer requests for a prevailing wage determination based on a private wage survey submitted on or after December 19, 2015, must be accompanied by the revised Form ETA-9165. The CO will issue a Request for Information requiring the employer submit the revised Form ETA-9165 for any survey-based request for a prevailing wage determination submitted without the revised Form ETA- 9165.</li> </ul>
<ul> <li>Because the 2016 DOL Appropriations Act required DOL to accept "statistically supported" private surveys, there is no longer any distinction between State surveys and surveys that are conducted by private entities. Accordingly, DOL interprets the term "private survey" to include both: 1) government surveys not conducted or issued by DOL and 2) nongovernment surveys conducted by private individuals or organizations who are <i>bona fide third parties</i>.</li> </ul>
<ul> <li>Employer-provided surveys must provide the single arithmetic mean of the wages paid to all workers in the occupational classification within the area of intended employment, regardless of skill level or experience, education, and length of employment.</li> <li>Reminder: Where the survey provides only a median, not an arithmetic mean, a median wage will be acceptable.</li> </ul>
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Sample Compensation Calculation Table				
<ul> <li>Employer. Fill this column with whatever designation the survey uses to represent a particular employer.</li> <li>Workers: Fill this column with the count of workers who's hours and wages from any portion of the period reported were used in the next two columns.</li> <li>Compensation: Fill this column with the sum of all wages paid during the period reported. Use the definition below to decide what to include.</li> <li>A wage is money that is paid or received for work or services performed in a specified period. Base rate pay, cost-of-living allowances, guaranteed pay, hazardous-duty pay, incentive pay such as commissions and production bonuses, tips, and on-call pay are included in a wage. Back pay, jury duty pay, overtime pay, severance pay, shift differentials, nonproduction bonuses, employer costs for supplementary benefits, and tuition reimbursements are excluded. [http://www.bls.gov/opub/hom/pdf/homch3.pdf]</li> <li>Total Hours: The sum of all the hours worked to earn the pay under the Compensation column. Hourly Rate Row: Divide the Total Hours in to the Total Compensation (Compensation in \$/Hours) giving a \$/hr value.</li> </ul>				
Em	ployer Workers	Compensation	Hours	
Α	5	\$8,272.08	802	
В	7	\$11,189.18	918	
С	23	\$42,002.76	3678	
D	19	\$38,890.72	3344	
E	4	\$8,042.66	794	
Tota	al	\$108,397.40	9536	
Ноц	Irly Rate	\$11.37 per hour		
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### H-2B Survey Tips Survey hourly wages must include all types of pay. Therefore, if employer guarantees a minimum hourly wage but pays other types of monetary compensation including tips, piece rate, commission, bonus, etc., this additional compensation must be included in the survey wage Specified expansion of area when needed From at least 3 employers and 30 workers Must be most recent version of the survey and must be data collected within 24 months of submittal Form ETA-9165 is required Attestation signed by employer Includes contact information from third party or state agency Consolidates information from the survey Specific to a particular survey and employer Uploaded with Form ETA-9141 U.S. Department of Labor FOR TRAINING USE ONLY; NOT LEGALLY BINDING June 2016

# H-2B Survey Tips (Standards for Bona Fide Third Parties)

 A third party has no stake in the outcome of the survey, but only in producing a survey product that meets statistical and regulatory standards

**Important Note**: Any H-2B employer or any H-2B employer's agent, representative, or attorney are not bona fide third parties

- A state agency is also a third party and includes entities such as colleges, universities, agricultural extension services, and maritime agencies
- Employer associations could be considered bona fide third-parties
  - An employer association covering a mixture of employers who do and do not hire workers under H-2B will likely be appropriate
     While one only covering those who hire H-2B workers will not
- The third party may be a company who produces the survey as a published work, to include continuous updates, or on commission

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June 2016

## Disclaimer

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June 2016

U.S. Department of Labor FOR TRAINING USE ONLY; NOT LEGALLY BINDING - 12 -

Questions and/or Comments				
June 2016	U.S. Department of Labor FOR TRAINING USE ONLY; NOT LEGALLY BINDING			

June 2016

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