H-2B Prevailing Wage Filing Tips & Wage Survey Concepts

National Prevailing Wage Center
Office of Foreign Labor Certification (OFLC)
Employment and Training Administration

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Webinar Agenda

- Part 1: General Filing Tips
- Part 2: Wage Survey Concepts

Introductory Remarks

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Part 1:
Filing Tips

- General Filing Tips
- H-2B Prevailing Wage Determination (PWD) Challenges

General Filing Tips

General Filing Tips

- File Early:
  - Get the longest prevailing wage validity by filing soon after the annual OEWS (Occupational Employment and Wage Statistics) wage update which occurs every July 1st.
  - Expect longer processing times during peak H-2B filing seasons; at least 60 days before the determination is needed.

- Tips for using the case “reuse” option:
  - When using the case “reuse” option, ensure the content is relevant to the new application.
  - Incorporate Request for Information (RFI) details from the previous case to avoid an RFI.
  - Check the job duties for accuracy and only include information that is relevant to the new application.

General Filing Tips

- Complete all mandatory fields on the Form ETA-9141.
- Do not include information on nature of the employer, offered wage, or working conditions. Examples:
  - “Small business with less than 500 employees.”
  - “Must walk substantially (up to 15 miles daily)”
  - “Exposed to the weather elements.”
- Do not include personal information on the form.
- Be specific and use plain language. Avoid acronyms and abbreviations.
- Withdraw pending submissions that the employer will not use.
- File a separate Form ETA-9141 for each distinct position. Do not include multiple, distinct positions in one Form ETA-9141.

Section F.a: Job Description

- Focus only on job duties to be performed.
  - Do not list the position's requirements or general information about the employer.
  - Do not include job duties that will not be performed in that position.
  - For example: Job duties (F.a.2): The tasks essential to the performance and responsibility of the position.
    - Example: Mow lawns with a push mower and trim trees with a telescopic pole from the ground.
- Generalized job duties may fit into multiple occupational classifications. Thus, for OFLC to properly classify an application, it is important to provide the specifics on the following:
  - Provide specifics on the types of products and services.
  - Specific work environment (restaurant, non-restaurant environment, food truck, golf course).
  - Type of materials, equipment, techniques, and tools that are being used.

Section F.a: Job Description (Continued)

- If the position will supervise the work of other employees, mark “Yes” in F.a.3.
  - The supervised occupations should be listed in Section F.a.3.a.
  - The job duties should include tasks providing additional information describing the scope and type of supervision performed.
- Do not include personal information in the job duties (or anywhere else on Form-9141 or documents submitted).
- Do not include offered wage information or any other compensation values.
- The job duties section has a 4,000-character limit (including any RFI responses).

SOC Occupation Definitions

37-3011 Landscaping and Groundskeeping Workers

Landscape or maintain grounds of property using hand or power tools or equipment. Workers typically perform a variety of tasks, which may include any combination of the following: sod laying, mowing, trimming, planting, watering, fertilizing, digging, raking, sprinkler installation, and installation of mortarless segmental concrete masonry wall units. Excludes "Farmworkers and Laborers, Crop, Nursery, and Greenhouse" (45-2092).

47-2071 Paving, Surfacing, and Tamping Equipment Operators

Operate equipment used for applying concrete, asphalt, or other materials to road beds, parking lots, or airport runways and taxiways or for tamping gravel, dirt, or other materials. Includes concrete and asphalt paving machine operators, form tampers, tamping machine operators, and stone spreader operators.

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Clean Buildings	• Heavy cleaning duties ▪ Wash windows ▪ Use carpet shampooers ▪ Use floor buffers ▪ Perform routine maintenance tasks (list of tasks being performed) ▪ Clean pool	Janitors and Cleaners, Except Maids and Housekeeping Cleaners
	• Light cleaning duties • Clean hotel rooms • Change bed linens • Dusting • Vacuuming	Maids and Housekeeping Cleaners

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Mow Grass	• Mow grass (only) • Mow grass and perform other basic tasks (e.g., hedge trimming or planting flowers) • Trim trees from ground (only) • Mow grass and clear utility rights-of-way	Landscaping and Groundskeeping Workers
	• Perform general heavy cleaning duties (floors, windows, and removing trash) • Mow grass	Janitors and Cleaners, Except Maids and Housekeeping Cleaners
	• Mow grass along highways or other roads • Maintain highway and rights-of-way • Operate road sweepers • Setout safety cones	Highway Maintenance Workers

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Remove snow	• Mowing, trimming trees from ground, planting, watering • Remove snow from sidewalks and parking lot using shovels, snow blowers, and ride-on mowers with an attachment	Landscaping and Groundskeeping Workers
	• Perform general heavy cleaning duties (floors, windows, and removing trash) • Remove snow from sidewalks and parking lot using shovels, snow blowers, and ride-on mowers with an attachment	Janitors and Cleaners, Except Maids and Housekeeping Cleaners

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Remove snow	• Maintain highway and rights-of-way • Snow removal using any vehicle with a plow attachment in areas such as a roadway or highway	Highway Maintenance Workers
	• Install and/or remove low voltage lighting including holiday decorations and lights • Remove snow from sidewalks and parking lot using shovels, snow blowers, and ride-on mowers with an attachment	Installation, Maintenance, and Repair Workers, All Other

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Install Flooring	• Install “hard” flooring such as: ▪ Marble ▪ Stone ▪ Granite	Tile and Stone Setters
	• Install linoleum floor coverings in: ▪ Blocks ▪ Strips ▪ Sheets	Floor Layers, except Carpet, Wood, and Hard Tiles
	• Install carpet	Carpet Installers
	• Install hardwood floors	Carpenters

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Masonry Work	• Lay concrete block and cinder block • Construct walls and arches with brick and structural tile • Lay brick patios	Brickmasons and Blockmasons
	• Build stone structures such as: ▪ Piers and walls ▪ Curbstone and walks ▪ Patios	Stonemasons
	• Install segmental pavers • Set paver base and borders	Segmental Pavers

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Place Concrete/Cement	• Spread/finish concrete without additional construction-related tasks	Cement Masons and Concrete Finishers

	• Pour concrete (no finishing responsibilities) **and** perform construction related tasks such as:
	  • Clean up work site
	  • Assist other craft workers
	  • Dig trenches
	  • Direct traffic
		Construction Laborers

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Remove Meat from Bones/Shell • **oysters** • **crabs** • **shrimp**	• Process by hand • Remove roe from fish by cutting with hand tools • Remove oyster from shell	Meat, Poultry, and Fish Cutters and Trimmers
	• Cut fish by operating and adjusting machines (for example: Baader machines)	Cutting and Slicing Machine Setters, Operators, and Tenders
	• Process roe after removal (does not include removing from fish) • Transform roe by brining	Food Batchmakers

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names

Prepare
• **shrimp**
• **seafood**
	• Process Seafood:
	  • Cooking
	  • Steaming
	  • Boiling
	  • Frying
		Food Cooking Machine Operators and Tenders

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Inspect/Grade Sort product by size	• Grade and sort crabs by size and quality prior to processing.	Graders and Sorters, Agricultural Products
	• Manually pick, inspect and sort crab meat for quality.	Meat, Poultry, and Fish Cutters and Trimmers (Same principle applies to other occupations like Butchers and Meat Cutters for example.)

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Load/Unload • **Load processed product** • **Load seafood**	• Move products to loading docks by hand • Load pallets onto truck using hand jack • Stack crates on truck • Unload sacks from fishing vessel to truck	Laborers and Freight, Stock, and Material Movers, Hand
	• Use a front loader to move raw materials to production areas • Load pallets onto truck using forklift	Industrial Truck and Tractor Operator
	• Load grain into rail cars using chutes • Unload dry flowable chemicals from a tanker truck to storage tank	Tank Car, Truck, and Ship Loaders

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Package Product	• By hand wrap individual items in paper and place in shipping box.	Packers and Packagers, Hand
	• Operate and tend the machines in the packaging area that fill bottles and place them in shipping boxes.	Packaging and Filling Machine Operators and Tenders
	• Packaging tasks may be considered ancillary job duties for a single occupation dependent upon the nature of the job duties and what is considered normal for that specific occupation.	Various Occupations

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names

Cook Foods	• Cooks full entrees (such as soups, meats, or desserts) in a restaurant setting
	  • Operate ovens, broilers, and roasters
	  • May plan menu and price menu items in addition to cooking duties
		Cooks, Restaurant

	• Prepare large quantities of assigned food items to support the serving lines of several venues on the institution's premises • Operate steam kettles and high-capacity ovens	Cooks, Institution and Cafeteria

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Cook Foods	• Cook foods, such as pizzas, sandwiches, or tacos, following specific methods that usually require short preparation time - often working on several orders at the same time • Work setting is similar to a diner or grill	Cooks, Short Order
	• Cook pizza from pre-portioned dough using prepared toppings in a traction oven.	Cooks, Fast-Food
	• In a mobile cooking facility, grill hot dogs and hamburgers to in batches and to order, depending on the time of day. Also uses a fryer to cook french fries, and chicken tenders along with churros.	Cooks, All Other

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Clarifying Job Description Entries or Considerations	Candidate Occupation Names
Fight Forest Fires	• Extinguish flames and embers to suppress fires • Patrol burned areas after fires to locate and eliminate hot spots that may restart fires	Firefighters
	• Tallies trees by types and estimates brush removal needs • May train and lead forest workers in forest propagation and fire prevention	Forest and Conservation Technicians
	• Perform tree planting and precommercial thinning tasks on forested lands • Under direction of fire fighters or technicians, perform supporting duties such as gathering piling, building firebreaks, and clearing brush to assist in fire prevention and suppression	Forest and Conservation Workers

Incomplete Job Duties vs. Specific

Incomplete Tasks in Job Duties	Details Needed in the Job Duties	Candidate Occupation Names

Repair	• Specify what is being repaired
	• Specify what techniques and tools are used
	• Specify whether the position is:
	  • Performing hands on repair work or
	  • Supplying, or holding materials or tools, and cleaning work areas
		Multiple Potential Occupations

O*NET and Occupation Selection

- OFLC applies a “duties test” to determine the best match between the employer’s job offer as set forth in the submitted Form ETA-9141 and an occupation.
- OFLC compares the employer’s duties with occupation definitions, found in O*NET and the SOC User Guide, to determine if the duties appear within a single occupation or encompasses the definition and tasks of two or more occupations.
- The occupation definition is unique to each O*NET occupational classification and is first considered when evaluating the employer’s job duties.
- As denoted by the ‘ ⊕ ’ icon in the O*NET Description, the tasks also appear in other O*NET Detailed Descriptions for other related occupations.
  - For example, the following O*NET task is listed under Landscaping and Groundskeeping Workers (37-3011.00) but encompasses tasks for multiple occupations.

> ⊕ Install rock gardens, ponds, decks, drainage systems, irrigation systems, retaining walls, fences, planters, or playground equipment.

RFI Responses

- The RFI response must confirm that OFLC has permission to modify the applicable section of the form.
- The employer's RFI response must respond to all questions asked in the RFI. If the employer fails to provide all requested information, the application may be returned unprocessed.
- If the employer receives an RFI pertaining to job duties, provide clarification and additional detail about the job duties. The response will be added to the job duties section of Form ETA-9141. However, no job duties can be removed from the original submission.
  - The request for the removal of job duties may lead to the application being returned unprocessed; thereby creating a need for the employer to submit a new Form ETA-9141.
- Be mindful of character limits. The job duties section has a 4,000-character limit. Initial job duties and the RFI response must both fit within this character limit. If the content does not fit, the case may be returned unprocessed.

Example: Unnecessary Information

Temporary Seasonal Position: Forestry Worker

Duties:

All applicants must be able, willing, qualified to perform work described in this job description & must be available for entire period specified. Possible weekly hours: 35-40+ (Plus) to include lunch break. OT not required; may be weekend/holiday work. Possible daily hours: 7:00 am-4:00 pm. OJT. No min. edu. reqmt.

Duties may include: Plant: seedlings/trees; raising & transporting seedlings to then sort tree seedlings, discarding substandard seedlings, according to standard charts or verbal instructions & other related Forestry Worker activities as per SOC/OES 45-4011 (onetonline.org). Must walk substantially (up to 15 miles daily), also stoop, bend while carrying a pack (up to 50lbs) through rough terrain (non-trail). Attention to detail; complete work tasks timely. Outdoors, exposed to weather; must be capable of doing physically strenuous labor for long hours, occasionally in extreme heat or cold. Variable weather conditions apply; hours may fluctuate (+/-), possible downtime and/or OT. Must show proof of legal authority to work in U.S. Must be 18 years old due to travel. Drug/alcohol/smoke-free work zone: based on Employer's discretion/cost: Wrkr may have random drug/alcohol testing during employment: positive test/ refusal to abide = dismissal.

Example: Unnecessary Information Removed

Duties:

Plant: seedlings/trees; raising & transporting seedlings to then sort tree seedlings, discarding substandard seedlings, according to standard charts or verbal instructions.

OEWS Wages for H-2B

Reminder: Under the H-2B program, leveled wages are not assigned. PWDs are issued with the OEWS <u>mean wage</u> as shown to the right:

Search Results

Geo Level	1
SOC Code	37-3011
SOC Title	Landscaping and Groundskeeping Workers

Wage Level	Hourly	Yearly
I	$12.17	$25,314.00
II	$14.15	$29,432.00
III	$16.12	$33,530.00
IV	$18.10	$37,648.00
MEAN (H-2B)	$16.14	$33,571.00

How are yearly wages calculated?

Collective Bargaining Agreements (CBA)

- 20 CFR 655.10(b)(1)
  - Except as provided in paragraph (i) of this section, if the job opportunity is covered by a collective bargaining agreement (CBA) that was negotiated at arms' length between the union and the employer, the wage rate set forth in the CBA is considered as not adversely affecting the wages of U.S. workers, that is, it is considered the “prevailing wage” for labor certification purposes.
- Must be used if the position is covered by a negotiated wage
- When submitting the Form ETA-9141, include the following documents:
  - Relevant portions of the CBA
  - Letter from the Employer
  - Letter from the Union

Collective Bargaining Agreement (CBA)

- Relevant Portions of the CBA
  - What positions are covered, including employers and locations
  - Job titles and descriptions
  - Dates the agreement covers, including extensions
  - Wage information, including tables and explanations
- Letter Contents
  - Specific to the position on the application
  - Recent date
  - The single job title from the CBA
  - The agreed upon wage
  - A reference to the section(s) of CBA used for the wage

Prevailing Wage Determination: Single Occupation

G. Prevailing Wage Determination

FOR OFFICIAL GOVERNMENT USE ONLY	
1. PWD tracking number: P-400-[redacted]	2. PW receipt date: 12/11/2025
3. SOC code: 35-2015	a. SOC occupation title: Cooks, Short Order
While all prevailing wages are issued at the six-digit SOC code level, O*NET includes extended eight-digit occupations. If applicable, the O*NET eight-digit extension code is listed below.	
b. O*NET code: N/A	c. O*NET occupation title: N/A
When the job opportunity represents a combination of occupations, listed below are the other occupations.	
d. O*NET code:	e. O*NET occupation title:
4. Prevailing wage: (based on the primary worksite location. See Item 6 below for details). For H-1B, H-1B1, E-3, and PERM only, this wage is based on the minimum job requirements for the position. $ 15 . 13	
a. Per: (Choose only one) ☒ Hour ☐ Week ☐ Bi-Weekly ☐ Month ☐ Year	b. OEWS wage level: ☐ I ☐ II ☐ III ☐ IV ☒ OEWS mean ☐ N/A
c. Prevailing wage source (Choose only one): ☒ OEWS (All Industries) ☐ OEWS (ACWIA) ☐ CBA ☐ DBA ☐ SCA ☐ Alternate survey ☐ Professional sports league rules or regulations	d. If "Survey" in question 4.c, specify the name of the survey:

Prevailing Wage Determination: Combination of Occupations

G. Prevailing Wage Determination

FOR OFFICIAL GOVERNMENT USE ONLY

1. PWD tracking number: P-400-[redacted]	2. PW receipt date: 12/29/2025
3. SOC code: 47-4091	a. SOC occupation title: Segmental Pavers
While all prevailing wages are issued at the six-digit SOC code level, O*NET includes extended eight-digit occupations. If applicable, the O*NET eight-digit extension code is listed below.	
b. O*NET code: N/A	c. O*NET occupation title: N/A
When the job opportunity represents a combination of occupations, listed below are the other occupations.	
d. O*NET code: Please See Addendum	e. O*NET occupation title: Please See Addendum
4. Prevailing wage: (based on the primary worksite location. See Item 6 below for details). For H-1B, H-1B1, E-3, and PERM only, this wage is based on the minimum job requirements for the position. $ 28 . 81	
a. Per: (Choose only one) ☒ Hour ☐ Week ☐ Bi-Weekly ☐ Month ☐ Year	b. OEWS wage level: ☐ I ☐ II ☐ III ☐ IV ☒ OEWS mean ☐ N/A
c. Prevailing wage source (Choose only one): ☒ OEWS (All Industries) ☐ OEWS (ACWIA) ☐ CBA ☐ DBA ☐ SCA ☐ Alternate survey ☐ Professional sports league rules or regulations	d. If "Survey" in question 4.c, specify the name of the survey:

ADDENDUM
Section G.3.d & G.3.e: O*NET Code & O*NET Title

Addendum for Section G.3.d & G.3.e: O*NET Code & O*NET Title

47-4031.00: Fence Erectors
37-3011.00: Landscaping and Groundskeeping Workers

Please note when there is a combination of occupations item d. may list the code or may say Please See Addendum.

H-2B PWD Challenges

Center Director Review

- If an employer disagrees with a PWD:
  - The employer may request Center Director Review (CDR) (20 CFR 655.13(a)); and
  - Submit supplemental documentation within **7 business days** of the date the PWD was initially issued
  - Employers may request CDR via FLAG (preferred), e-mail, or via U.S. mail
- In the CDR request, the employer may:
  - Challenge the assigned wage source, including correcting deficiencies in a survey or a CBA submitted with the initial PW request. However, the employer cannot request use of a different survey at CDR, nor request the use of a survey for the first time at CDR; and/or
  - Challenge the assigned occupation(s).

BALCA Review

- If an employer disagrees with the Center Director Review (CDR) decision, the employer may request Board of Alien Labor Certification Appeals (BALCA) Review. 20 CFR 655.13(c)
- Requests for BALCA Review for H-2B determinations must be made within **10 business days** of the date the CDR was issued.
- Employers may request BALCA Review by sending the request to OFLC via email (preferred) or U.S. mail.
- The employer may only submit evidence with its BALCA Review request that was part of the record underlying the PWD and CDR decisions.
- The employer cannot raise a new argument(s) in its BALCA Review request.

Break

- Session will resume after a break with **H-2B Wage Survey Concepts**
- Target audience: Surveyors and those who wish to know more about survey standards and concepts.

Part 2:
H-2B Wage Survey Concepts

- Authorities
- Survey Tips
- Who to Survey: Universe and Sample
- Where to Survey: Area of Intended Employment
- What to Survey: Job Duties
- Pay/Wage Data

Authorities

Overview of Regulatory Requirements

- 20 CFR 655.10(f)(4): In each case where the employer submits a survey the employer must submit, concurrently with the Form ETA-9141, a completed Form ETA-9165 containing specific information about the **survey methodology**, including such items as **sample size and source**, **sample selection procedures**, and **survey job descriptions**, to allow a **determination of the adequacy of the data provided and validity of the statistical methodology** used in conducting the survey. In addition, the information provided by the employer must include the attestation that:
  - (i) The surveyor either made a reasonable, good faith attempt to contact all employers employing workers in the occupation and geographic area surveyed or conducted a randomized sampling of such employers;
  - (ii) The survey includes wage data from at least 30 workers and three employers;
  - (iii) the collection was administered by a bona fide third party. The following are not bona fide third parties under this rule: Any H-2B employer or any H-2B employer's agent, representative, or attorney;
  - (iv) The survey was conducted across industries that employ workers in the occupation; and
  - (v) The wage reported in the survey includes all types of pay, consistent with Form ETA-9165.
- 20 CFR 655.10(f)(5): The survey must be based upon **recently collected data: The survey must be the most current edition of the survey and must be based on wages paid not more than 24 months before the date the survey is submitted for consideration.**

Public Law 119-75: Consolidated Appropriations Act, 2026

- Section 110: The determination of prevailing wage for the purposes of the H-2B program shall be the greater of—(1) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position in the same location; or (2) the prevailing wage level for the occupational classification of the position in the geographic area in which the H-2B non immigrant will be employed, based on the best information available at the time of filing the petition. **In the determination of prevailing wage for the purposes of the H-2B program, the Secretary shall accept private wage surveys even in instances where Occupational Employment Statistics survey data are available unless the Secretary determines that the methodology and data in the provided survey are not statistically supported.**

Overview of Regulatory Requirements

- 20 CFR 655.10(f)(2): The survey must provide the **arithmetic mean** of the wages of **all** workers **similarly employed** in the **area of intended employment**, except that if the survey provides a median but does not provide an arithmetic mean, the prevailing wage applicable to the employer's job opportunity shall be the median of the wages of workers similarly employed in the area of intended employment.

Survey Tips

H-2B Wage Survey Tips

- Employer requests for a prevailing wage determination based on an employer-provided wage survey must be accompanied by the Form ETA-9165.
  - Must be signed by employer;
  - Includes contact information from third party or state agency;
  - Consolidates information from the survey;
  - Is specific to a particular survey and employer; and
  - Must be uploaded with ETA-9141

H-2B Wage 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 a third party and includes entities such as colleges, universities, agricultural extension services, and maritime agencies
  - Employer associations may not be considered bona fide third-parties
  - The third party may be a company that produces the survey as a published work, to include continuous updates, or on commission

Survey Documents Must Contain the Following:

- The name of the surveyor;
- The publication schedule for the survey, when appropriate. This should include the publication date of the requested survey, the date of the previous version of the survey and the date of the next release of the survey (actual or anticipated);
- When the wages were paid;
- A description of the job duties or activities used in the survey;
- The area covered by the survey or relevant portion and an explanation of any expansion of the area beyond normal commuting distance, when applicable;

- **Note**: All items on the Form ETA-9165 must be supported by survey documentation from the surveyor.

- The methodology used in the survey;
  - How the universe is defined;
  - How the sample size was determined;
  - How the participants were selected; and
    - The number of employers surveyed for the occupation in the area;
    - The number of wage value responses (employees) for the occupation in the area;
  - A list of employer participants or explanation of how the cross-industry nature of the survey was maintained;
  - How the presented wage was determined and if it is mean or median;
  - Any other appropriate information on the survey's methodology;

Information From: 80 FR 24146 (Apr. 29, 2015)

Who to Survey: Universe and Sample

Employers / Workers to Survey: Universe and Sample

- Surveys must include all workers in the occupation. The employer/workers sampled must not be limited by:
  - industry sector of the employer/worker;
  - skill level or experience, education, and length of employment;
  - the immigration status; or
  - factors relating to the nature of the employer, such as whether the employer is public or private, for profit or nonprofit, large or small, charitable, a religious institution, a job contractor, or a struggling or prosperous firm

ETA-9165, Section E

- E.1: Estimated Universe of Employers
  - Who employs workers doing the tasks in the duties being surveyed?
  - How many employers are in the area surveyed?
- E.4: Number of employers who were contacted
  - Who did you ask to collect wages?
  - How many employers were asked?
- E.9: Number of employers providing usable results
  - Who responded?
  - How many **employers** responded?
- E.9: Number of worker wages used to get the reported wage value
  - Who responded?
  - How many **workers' wages** were in those responses?

Where to Survey: Area of Intended Employment

Area of Intended Employment (AIE)

- 20 CFR 655.5: Definition of terms
  - **Area of intended employment** means the **geographic area within normal commuting distance of the place (worksite address) of the job opportunity** for which the certification is sought. There is no rigid measure of distance that constitutes a normal commuting distance or normal commuting area, because there may be widely varying factual circumstances among different areas (e.g., average commuting times, barriers to reaching the worksite, or quality of the regional transportation network). **If the place of intended employment is within a Metropolitan Statistical Area (MSA), including a multistate MSA, any place within the MSA is deemed to be within normal commuting distance of the place of intended employment.** The borders of MSAs are not controlling in the identification of the normal commuting area; a location outside of an MSA may be within normal commuting distance of a location that is inside (e.g., near the border of) the MSA.

Area of Intended Employment (AIE)

- The geographic area within normal commuting distance of the place of intended employment (worksite address).
- There is no rigid measure of distance that constitutes a normal commuting distance or normal commuting area.
- The borders of Metropolitan Statistical Areas (MSA) are not necessarily controlling but any place within an MSA is deemed to be within normal commuting distance.
- Office of Management and Budget (OMB) establishes statistical areas. The most recent bulletin regarding statistical areas is (See OMB Bulletin No. 23-01 (July 21, 2023), available at https://www.whitehouse.gov/wp-content/uploads/2023/07/OMB-Bulletin-23-01.pdf).

Area of Intended Employment (AIE)

- Metropolitan Statistical Areas (MSA):
  - Have at least one urbanized area of 50,000 or more population, plus adjacent territory that has a high degree of **social and economic integration with the core as measured by commuting ties.**
  - Defined in terms of whole counties (or equivalent entities).
  - May have Metropolitan Divisions.
    - Those that contain a single core with a population of 2.5 million or more may be subdivided to form smaller groupings of counties referred to as Metropolitan Divisions.
- Micropolitan Statistical Areas (μSA):
  - Have at least one urban cluster of at least 10,000 but less than 50,000 population, plus adjacent territory that has a high degree of **social and economic integration with the core as measured by commuting ties.**
  - Defined in terms of whole counties (or equivalent entities).

Survey Area

- Combined Statistical Areas (CSA)
  - A CSA may comprise two or more MSAs, and MSA and a µSA, two or more µSAs , or multiple MSAs or µSAs that have **social and economic ties as measured by commuting** but at lower levels than are found among counties within MSAs or µSAs.
  - Combinations for adjacent areas with an **employment interchange of 25 percent** or more are automatic.
  - Combinations for adjacent areas with an **employment interchange of at least 15 percent but less than 25 percent** are based on local opinion as expressed through the Congressional delegations.

Area of Intended Employment (AIE)

- Nonmetropolitan Statistical Areas (Non-MSAs)
  - Non-MSAs are specific to the OEWS program and are set in consultation with the state workforce agencies. These are not OMB-defined areas.
  - These are made up of counties that are not in an MSA
  - May include Micropolitan Statistics Areas (μSA)

AIE Examples

- Maryland:
  - Maryland:
  - MSA
  - µSA
  - non-MSA
- Worksite Near the Border of MSA

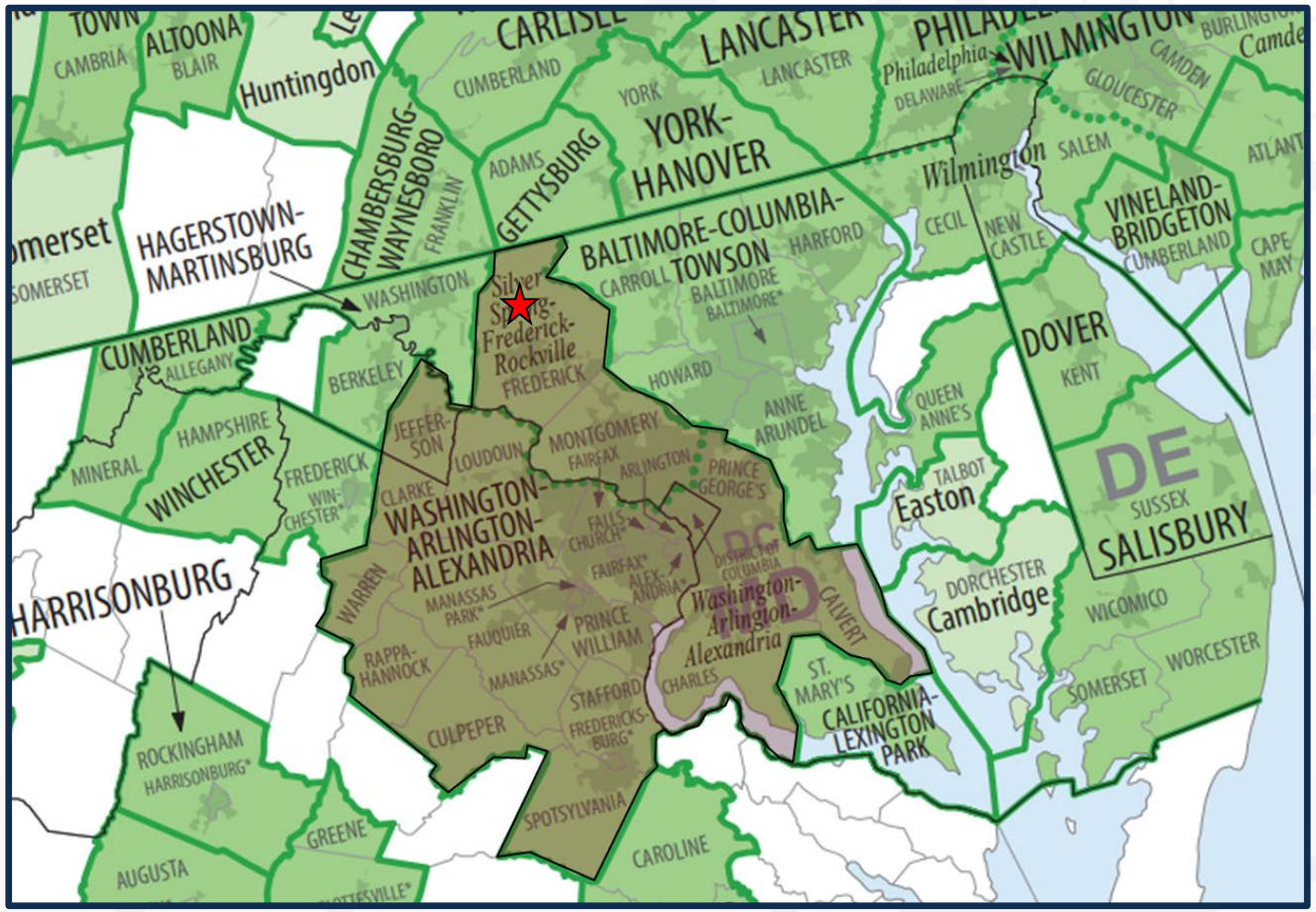
Maryland Example: MSA

In an MSA

In an µSA

In neither an MSA nor µSA

In the Washington-Arlington-Alexandria MSA



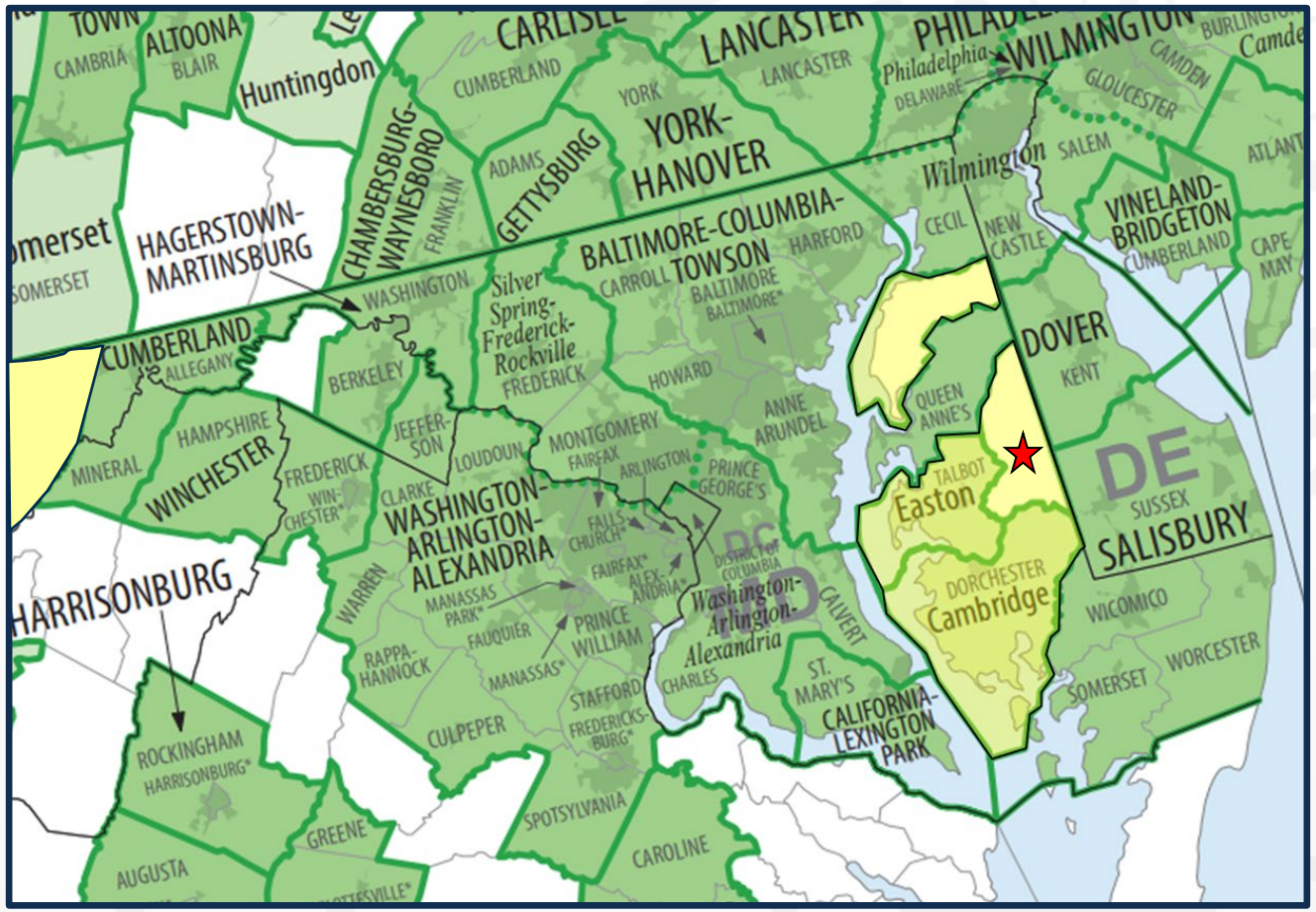
Maryland Example: non-MSA

In an MSA

In an µSA

In neither an MSA nor µSA

In Maryland nonMSA



Maryland Example: µSA

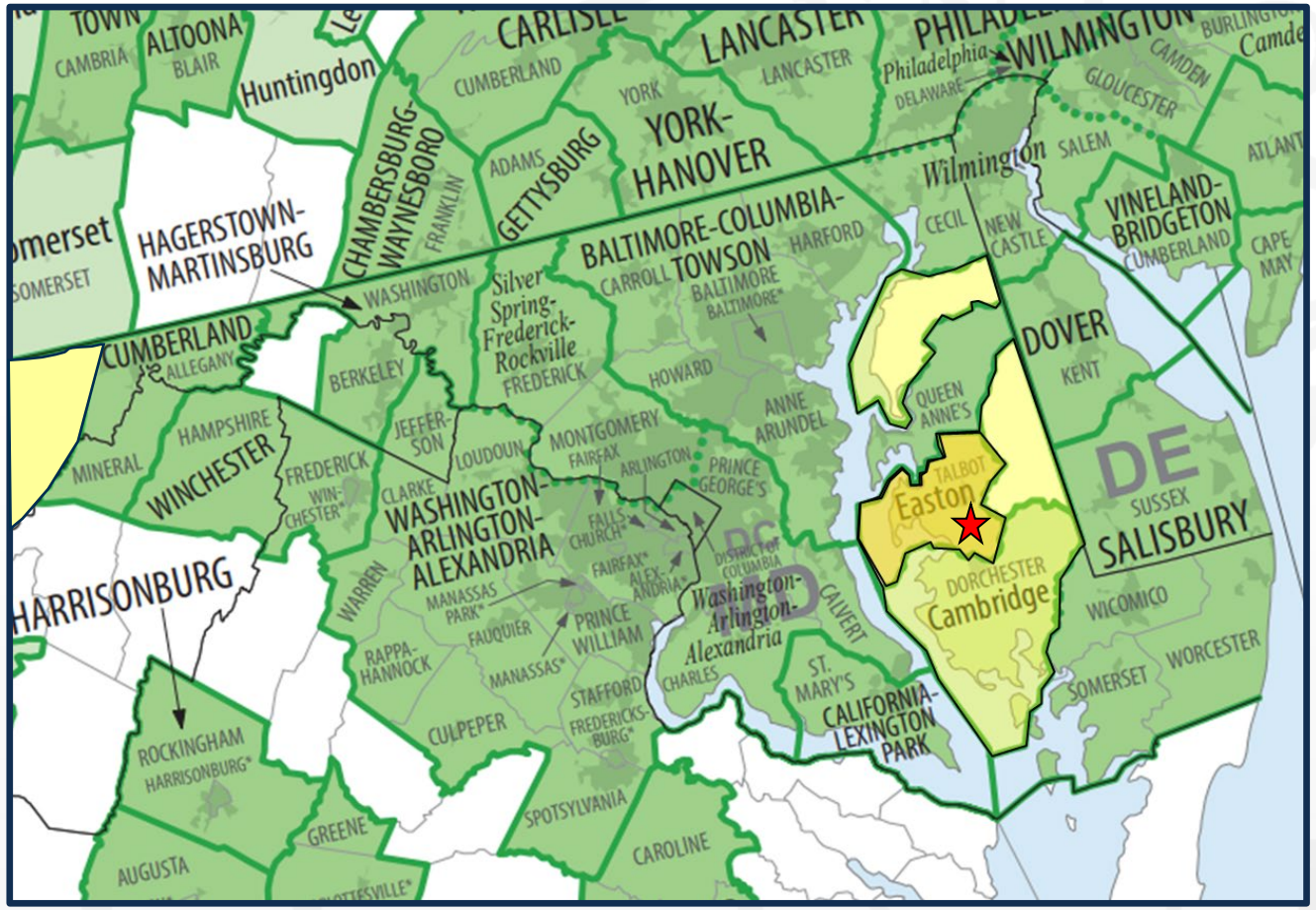
In an MSA

In an µSA

In neither an MSA nor µSA

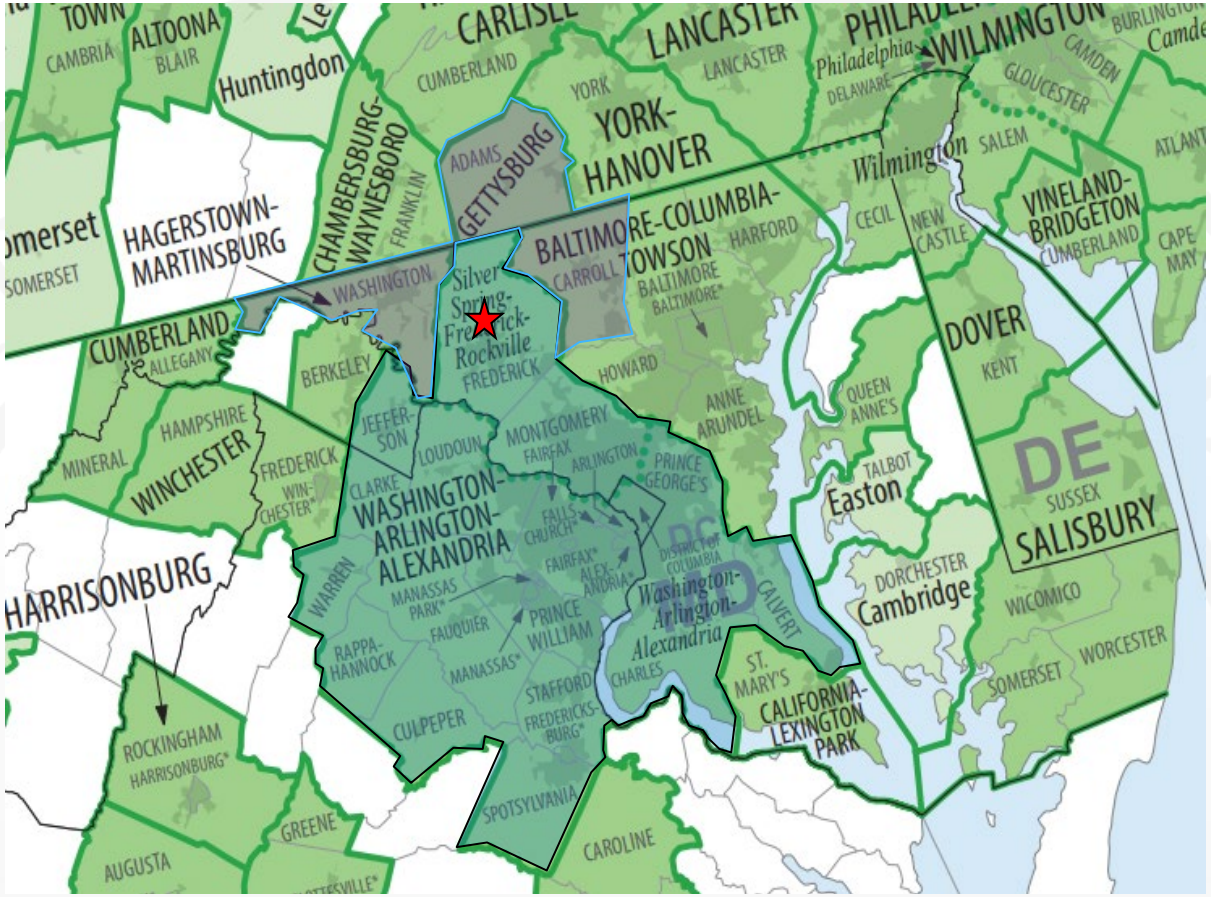
In Maryland non-MSA

In Easton µSA



Example: Worksite Near Border of MSA

- Depending on the location of the worksite, area(s) outside the MSA may also be considered to be within normal commuting distance.
- MSA + additional areas within normal commuting distance = AIE



Important Note: This is not authorization to use this as the AIE.

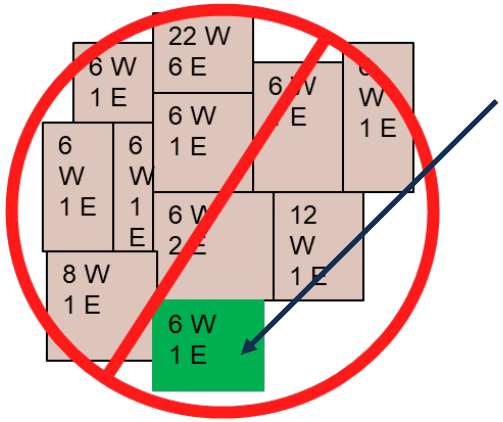
Prerequisites for Expanding Survey Beyond AIE

- The surveyor must first attempt to gather wage data from within the AIE.
- The geographic area surveyed may be expanded beyond the AIE if the survey of the AIE includes wage data from:
  - Fewer than 30 workers' wages; or
  - Fewer than 3 employers.
- If expansion is permitted, the survey area may expand **only as necessary** to include wage data from:
  - At least 30 workers; and
  - At least 3 employers.

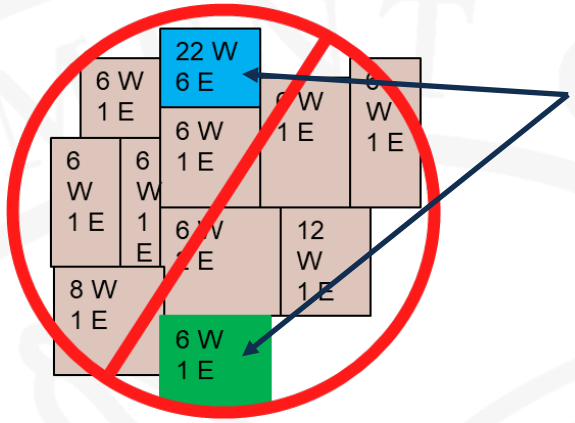
Guidelines for Expansion of Survey Area

- Smallest area to meet standards.
- Contiguous area (areas with economic and commuting ties have priority).
- May cross state lines.
- For work locations in one of the OMB CSAs, this is usually the most appropriate first expansion direction.

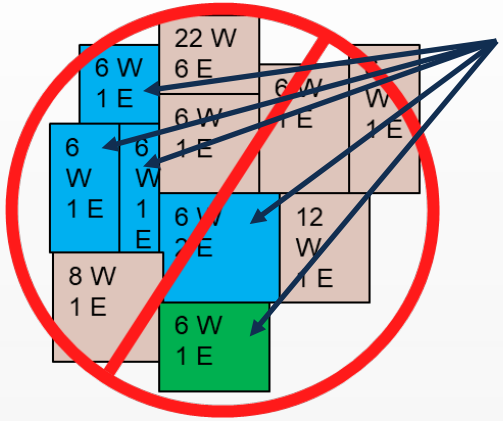
Examples: Survey Area Expanded Beyond AIE



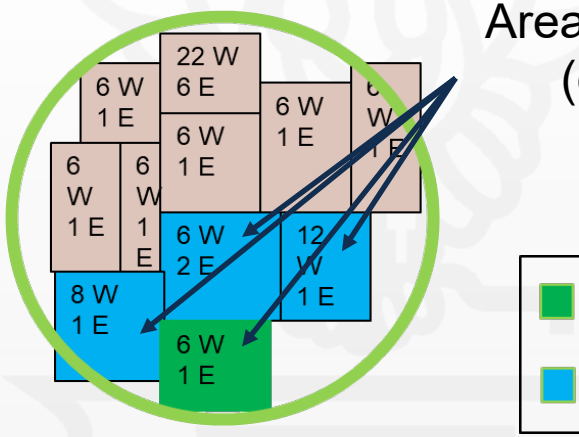
Area does not meet standards



Area not contiguous



Area is not smallest



Area meets standard (contiguous & smallest)

Area of Intended Employment

Area used in Expansion

E – Employers

W – Workers

What to Survey: Job Duties

Survey Job Duties

- Survey of workers with similar job duties (in other words employed in the surveyed occupation)
  - Workers who generally perform the duties/tasks of the surveyed occupation
  - Workers may have different job titles
  - Workers' duties may cross SOC occupations

Survey Job Duties

- Survey results by occupation
  - Duties organized occupationally
  - Mean wage for each occupation
- Survey results must have used wages of workers who perform the full set of duties described in the survey.

Example: Unorganized Survey Job Duties

Factory Worker

Use machines to produce products. Mow grass. Load raw materials into supply hopper. Perform periodic maintenance on equipment. Move raw materials around factory. Monitor factory equipment to ensure the product meets tolerances. Clean and lubricate machines when idle. Load finished products on to truck according to manifest. Move finished products from machines to pallets.

Example: Organized Survey Job Duties

- **Production Work**
  - Use machines to produce products
  - Monitor factory equipment to ensure the product meets tolerances
  - Move finished products from machines to pallets
  - Load raw materials into supply hopper
- **Maintenance Work**
  - Perform periodic maintenance on equipment
  - Mow grass
  - Clean and lubricate machines when idle
- **Warehouse Work**
  - Move raw materials around factory
  - Load finished products on to truck according to manifest
  - Load raw materials into supply hopper using a front loader

Pay/Wage Data

Pay/Wage Data

- Survey pay/wage data must have been paid within the 24 months prior to the survey's submission to OFLC:
  - Make sure the employers being surveyed know the date range.
  - Make sure the documentation explicitly states the oldest and youngest dates when the wages in the average calculation were paid to the workers .
- Survey must gather all types of pay/wages paid to workers including, but not limited to: base rate pay, commissions, cost-of-living allowance, deadheading pay, guaranteed pay, hazard pay, incentive pay, longevity pay, piece rate, portal-to-portal rate, production bonus, and tips.

Pay/Wage Data

- For surveys converting all types of pay/wages into an hourly rate:
  - The surveyor may provide a chart showing the **total compensation paid** during the period and the **hours worked** for that pay, then summing those values across all employers and dividing the **total hours** into the total pay resulting in an **hourly rate**.

Example: Table Converting Pay/Wage to Hourly Rate

- Employer: Fill this column with whatever designation the survey uses to represent a particular employer.
- Workers: Fill this column with the count of workers whose hours and wages from any portion of the period reported were used in the next two columns.
- Compensation: Fill this column with the sum of all wages paid during the period reported.
- Total Hours: The sum of all the hours worked to earn the pay under the Compensation column.
- Total Row: Sum the values in the Total Compensation column and then sum the values in the Hours column.
- Hourly Rate Row: Divide the Total Hours into the Total Compensation (Compensation in $/Hours) giving a $/hr value.

Employer	Workers	Compensation	Hours
A	5	$8,272.08	802
B	7	$11,189.18	918
C	23	$42,002.76	3678
D	19	$38,890.72	3344
E	4	$8,042.66	794
Total		**$108,397.40**	**9536**
Hourly Rate		**$11.37 per hour**	

Questions

Prevailing Wage Information and Resources | U.S. Department of Labor:

https://www.dol.gov/agencies/eta/foreign-labor/wages