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PERM/LCA Prevailing Wage: Concepts and Filing Tips

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

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Discussion Topics

- Part 1: NPW Production Trends
- Part 2: Filing Reminders
- Break
- Part 3: Post-Determination Filings
- Conclusion



Part 1: NPW Production Trends



NPW Production Trends

- FY Running Total of Submitted Cases by month
 - May 2026 (113,024) vs May 2025 (123,136)
 - Overall increase per month from beginning of FY26 (369 in Oct 2025)
- FY Running Total of Determinations Issued by month
 - May 2026 (111,486) vs May 2025 (136,070); decrease of 18.1%
 - Overall increase from beginning of FY26
- Wage Year 2026-27 runs from July 1, 2026 to June 30, 2027.



Part 2: Form ETA-9141 Filing Reminders



General Filing Tips

- Complete all mandatory fields on the Form ETA-9141.
- Do not include offered wage or information on the nature of the employer or the working conditions.
- Examples:
 - “Dynamic leader in the healthcare industry.”
 - “Must walk substantially (up to 15 miles daily)”
 - “Outdoors, exposed to the weather.”
- 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.



Sections B-D: Employer and Attorney Information

- Employer point of contact must be an “employee of the employer.”
- All employer contact information must belong to the employer point of contact, including phone number and email address.
- Do not list attorney or agent contact information in Section B, unless the attorney or agent is an employee of the employer.
- If the employer’s point of contact and the attorney/agent information is the same, NPW will send an RFI to request updated contact information.



Section E: Wage Sources

- American Competitiveness and Workforce Improvement Act (ACWIA) field in Section E.1. must be completed. If an employer is covered under ACWIA, then they must select “Yes” and an ACWIA wage will be issued.
 - Employers can request a re-evaluation of ACWIA status by selecting “Yes” on question E.1.b.
- In Section E.3. the Collective Bargaining Agreement (CBA) field must be completed. If the position is covered under a CBA, then the employer must select “Yes” to this question.
- Selecting wage source in E.4 is not required. Only complete this question if requesting one of the following wage sources: Davis Bacon Act (DBA), Service Contract Act (SCA), or an alternate wage survey.



Section F.a: Job Description

- Do not use abbreviations or jargon. Provide detailed duties in plain language.
- The job duties must be listed on the application. Do not list “see addendum.”
- Focus only on job duties to be performed. Do not list the position's requirements or general information about the employer.
 - Job duties (F.a.2): The tasks essential to the performance and responsibility of the position.
 - Example: Take blood pressure using cuff and stethoscope.
 - Job requirements (F.b.5.iv or F.c.5.iv): The education, experience, and training qualification(s) necessary for the position.
 - Example: Ability to take blood pressure using a cuff and stethoscope; may be gained through training or experience.



Section F.a: Job Description (continued)

- Generalized job duties may fit into multiple occupational classifications. Thus, for NPW to properly classify an application, it is important to provide the specifics on the following:
 - Types of products and services.
 - Specific course(s) that will be taught (for example, business, literature).
 - Type of clinical care that will be provided. (for example: pediatrics, family medicine).



Section F.a: Job Description (Continued)

- When indicating that the position will supervise the work of other employees, by marking “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 in any of the attachments.
- 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).



Example: Vague Job Duties

Vague Job Duties

“Manage multiple client engagements. Serve as first point of contact for client relationships. Prepare project plans, drafts, and budgets.”

Clear Job Duties

“Work on client engagements related to landscape design. Meet with clients at proposed sites to discuss requirements and make design recommendations for plant selection and placement. Prepare drawings of proposed designs using CAD software. Monitor status of ongoing projects by visiting client sites to ensure that project is being developed by construction and landscaping teams according to the design plan. Prepare cost estimates and project proposals for manager’s approval and share approved budget information and proposals with clients.”



Section F.b: Education Requirements

- Education requirements must be listed as a U.S. degree or diploma.
- NPWC can not evaluate foreign educational requirements.
- Acceptable “Other” degrees are formal diplomas or degrees issued by a U.S. educational institution (Example: a professional degree such as J.D., M.D., D.D.S.)
- Other certifications, training, or courses should be entered into the Special Skills or Other Requirements section (F.b.5).
- Residencies and fellowships should be included under the Residency/Fellowship section (F.b.5.iii) and should not be included in the Education section.



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Section F.b: Experience, Training, and Special Skill Requirements

- Avoid inconsistent experience requirements.
 - Example: Stating that the position requires 24 months of experience in F.b.4.a; but requiring 48 months of experience with Python in special skills under F.b.5.
- For medical occupations, residency and fellowship requirements should be clearly stated and listed separately.
- Do not list alternative requirements under this section.
- Requirements must be listed in the appropriate section.
 - Do not write "See F.a.2."



Section F.c: Alternative Job Requirements

- Section F.c. should always be filled out when an employer accepts alternative requirements. This includes education and experience requirements accepted “in lieu of” employer’s primary requirements.
- Alternative requirements must meet the same standards as primary requirements.
- The minimum and alternative requirements are stand-alone requirements and will each be evaluated independently.
- If the employer requires more than one set of alternative requirements, the employer should submit an additional prevailing wage application.
 - May include a note in the job duties (Subsection F.a.2) to cross-reference multiple filings, which will assist NPWC in reviewing all submissions at the same time.
- If the application states “no” to alternative requirements in F.c.1, but alternative requirements are listed elsewhere on the form, NPWC will send an RFI for clarification.



Section F.d: Travel

- Providing descriptive details about travel will help NPWC issue the proper prevailing wage determination.
- Distinguish between travel and relocation.
- Specify the geography of travel (examples: local, national, international).
- Indicate the estimated frequency or extent of travel (examples: 25 percent, 1-2 days per month).
- Indicate the purpose of travel (examples: conferences, training, client meetings, site inspections).
- Do not include information on telework, remote work, or unanticipated worksites in this section.



Requests for Information

- NPW may send a Request for Information (RFI) for a variety of reasons.
- Common examples of RFIs:
 - Attorney/agent contact information provided for employer point of contact
 - Vague job duties
 - Conflicting education and experience requirements
 - Vague supervisory responsibilities
 - Inclusion of Personally Identifiable Information (PII)
 - Unclear or vague travel requirements
 - Missing documents
 - Failure to provide permission to update ETA-9141 or provide all requested information in prior RFI response



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RFI Responses

- The RFI response should confirm that NPWC has permission to correct 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 you receive an RFI pertaining to job duties, you may provide details about the job duties or elaborate on the duties. Your response will be added to the job duties section of Form ETA-9141. **Note:** Original submitted job duties **cannot** be removed.
- Be mindful of character limits and deadlines. 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 response will be classified as an insufficient RFI response, and the case may be returned unprocessed.
 - Missing deadlines will result in a case be returned unprocessed if we are unable to proceed without the requested information.
- The request for the removal of job duties may lead to the case being returned un-processed; thereby causing the employer to submit a new Form ETA-9141.



Reminders: Education Occupations

- For pre-k through secondary teacher occupations, include grade levels taught.
- For middle through post-secondary teacher occupations, include subjects taught.
- For medical occupations, indicate whether teaching environment is classroom or "on the job" teaching in a medical facility/hospital setting.



Short Break

**Starting again in 5
minutes.**



Part 3: Post-Determination Filings (PWD Challenges)

- ☐ Requests for Correction Review
- ☐ Requests for Redetermination Review
- ☐ Requests for Center Director Review



Requests for Corrections Review

- All Prevailing Wage Determinations (PWDs) are considered final, with the sole exception being if an inaccuracy is found in the PWD due to the NPWC's error.
- When an employer or its representative identifies an error on the Form ETA-9141 application or PWD, a correction request can be submitted.
- An employer can make a request for correction via e-mail to the NPWC Help Desk at oflc.pwd@dol.gov.
- Examples where an employer may request a correction include, but are not limited to, the following:
 - A mismatch between the wage level and the wage amount; a typographical error in the title of an alternative wage source (survey); or a non-ACWIA wage for an ACWIA-covered institution.



Requests for Corrections Review (Reminders)

- A Correction Request should not be submitted as a Request for Redetermination Review or Request for Center Director Review (CDR).
- A request to amend the provided duties or requirements is not a valid correction request. The employer must submit a new prevailing wage request.
- Disagreement with the assigned occupation or wage level is not a valid correction request. The employer may submit a request for redetermination or Center Director Review (CDR).



Requests for Redetermination Review

- 20 CFR § 656.40(h): When an employer disagrees with a PERM or LCA PWD, the employer may request a redetermination by submitting supplemental information. For example, the employer may challenge the assigned occupation code, wage level, or wage.
- Requests for redetermination can be submitted through FLAG, e-mail to the NPWC Help Desk, or U.S. mail.
- Requests for redetermination must be made within 30 days of the date the PWD was initially issued.
- Redeterminations are reviewed in order received based on the redetermination request date; processing times vary depending on the workload.
- Pending redetermination requests can be withdrawn through the NPWC Help Desk; the original determination will then be considered final and can be used for PERM or LCA filing.



Requests for Center Director Review (CDR)

- 20 CFR § 656.41(a) & 20 CFR 656.41(c): When an employer disagrees with a decision made at redetermination on a PERM or LCA PWD, the employer may request Center Director Review (CDR).
- Requests for CDRs must be made within 30 (calendar) days of the date the redetermination was issued.
- Requests for CDR can be submitted through FLAG, e-mail to the NPWC Help Desk, or U.S. mail.
- CDRs are reviewed in order received based on the CDR request date; processing times vary depending on the workload.
 - [Processing Times | Flag.dol.gov](#)
- Pending CDR requests can be withdrawn through the NPW Help Desk; the issued redetermination will be considered final and can be used for PERM or LCA filing.



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Requests for Board of Alien Labor Certification Appeals (BALCA) Review

- 20 CFR § 656.41(d): When an employer disagrees with a decision made at CDR on a PERM or LCA PWD, the employer may request Board of Alien Labor Certification Appeals (BALCA) review.
- Requests for BALCA review must be made within 30 (calendar) days of the date the CDR was issued.
- Requests for BALCA review must be submitted to the NPWC through e-mail to the NPWC Help Desk or U.S. mail.
- NPWC will prepare the BALCA request documentation and submit it to BALCA.
- Pending BALCA requests can be withdrawn through BALCA; the issued CDR will be considered final and can be used for PERM or LCA filing.



Thank you
