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## PRACTICE AREAS

### BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries

Australia

Chile / Singapore E-1

E-1 Visas

E-2 Visas

PERM Labor Certification

### HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

### FAMILY

Spouse / Fiancee Visas

Permanent Residence for Family  
Within U.S.

Naturalization / Citizenship

### AMNESTY

## Prevailing Wage Determinations – New Procedures

Posted: April 2nd, 2010

As of Jan. 1, 2010, a new procedure exists for employers seeking prevailing wage determinations (“PWDs”) for [foreign employees](#) who need various temporary and permanent labor certifications.

PWDs, which set the prevailing wages that must be paid to non-union workers who are employed on government-funded jobs, must now be submitted directly to the Office of Foreign Labor Certification’s National Prevailing Wage and Helpdesk Center (the “NPWHC”) rather than to state workforce agencies.

Also, in Nov. 2009, the Department of Labor (“DOL”) also updated its [Determination Policy Guidance](#) Policy Guidance for use in non-agricultural immigrant labor programs.

Factors used in PWDs include: the nature of the job offer; the area of intended employment; and the job duties for similarly situated workers. Collective bargaining agreements, employer wage surveys, and DOL Bureau of Labor Statistics surveys under the Occupational Employment Statistics (“OES”) program.

DOL plans to process PWDs on a first-in-first-out basis, and encourages employers to submit the relevant ETA Forms 9141 at least 60 days before a PWD is needed. So you should call your legal counsel for assistance well more than two months in advance of your need for a PWD.

There are specific procedures to follow if an employer wants to use its own wage survey for a PWD. To request that the NPWHC base its PWD on wage data other than found in OES data, a service contract or collective bargaining agreement in the area of employment, or an employer survey, you must follow another set of procedures. In any event, your legal counsel should be experienced and savvy in understanding how these procedures work.

For more information on [prevailing wage determinations](#) visit our website or call our offices at (847) 564-0712.