



Understanding DOL's Prevailing Wage Regulations and How to Use CUPA-HR's Data to Identify Prevailing Wages

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Presenters



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Agenda

- Prevailing Wage Regulations and Guidance
- Required Survey Methodologies
- CUPA-HR DataOnDemand Advantages
- Prevailing wage examples using DataOnDemand
- Details on submitting to OFLC



Objectives

- Understand the prevailing wage application process – from start to finish
- Working knowledge of how to use DataOnDemand for prevailing wage applications



Poll

What is your experience with the prevailing wage application process?

- Little to no experience
- I have some experience with the process, but I've never played a leading role
- I have played a leading role in the application process

Have you used salary surveys such as CUPA-HR DataOnDemand for prevailing wage applications?

- Yes
- No

Prevailing Wage Regulations and Guidance

20 CFR § 655.731(a)(2) (LCA)

- PW must be based on the “best information available” which may come from a variety of sources
 - Collective Bargaining Agreement
 - BLS/OES wage data
 - Davis-Bacon Act/ McNamara-O’Hara Service Contract Act
 - Employer-provided survey

20 CFR § 655.40 (PERM)

- Must be obtained through NPWC



Prevailing Wage Regulations and Guidance

General requirements:

- arithmetic mean of the wages of workers;
 - Median?
- similarly employed;
- in the area of intended employment.



Prevailing Wage Regulations and Guidance

- 2009 DOL PWD Guidance
 - Appendix F: methodological requirements
- Area of intended employment
 - May be expanded if needed
- Job description must match
- Cross Industry
- Arithmetic mean
- 3/30 rule*



Prevailing Wage Regulations and Guidance

Board of Alien Labor Certification Appeals (BALCA)

- University of Michigan: ACWIA – Cross Industry
 - For-profit institution?
 - Other comparison delimiters?
- Bilinguals: Median



Required Survey Methodologies

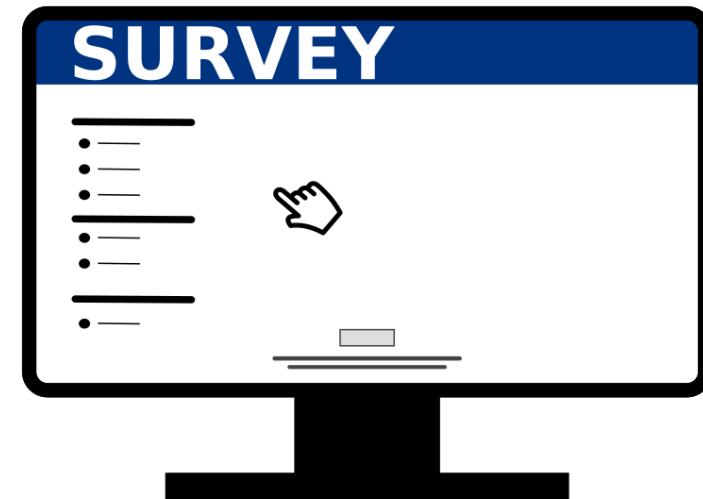
2009 Guidance

- Data collection within 24 months of survey
- Survey less than 24 months
 - Most current edition

Statistically valid method

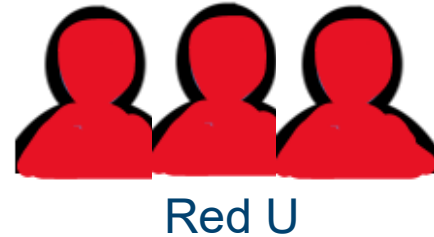
- Reasonable
 - Consistent with recognized standards
- Sample selection
- Sample frame size and source
- Adequacy of data

3/30 “rule”



Required Survey Methodologies

- Weighted average (preferred)



Weighted average: $\Sigma(\text{All Salaries}) \div \# \text{ of salaries}$

Required Survey Methodologies

- Unweighted average (not useable for PWD)



Blue U Average:

$$\Sigma(\text{Blue Salaries}) \div \# \text{ of Blue Salaries}$$



Red U Average:

$$\Sigma(\text{Red Salaries}) \div \# \text{ of Red Salaries}$$



Green U Average:

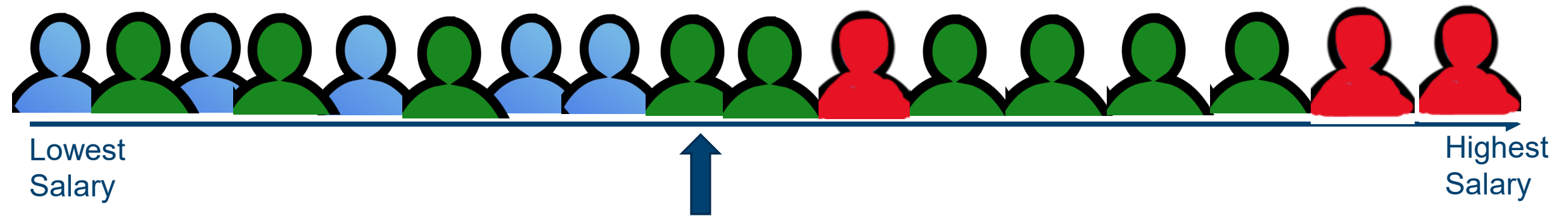
$$\Sigma(\text{Green Salaries}) \div \# \text{ of Green Salaries}$$

Unweighted average:

$$(\text{Average Blue Salary} + \text{Average Red Salary} + \text{Average Green Salary}) \div \# \text{ of institutions}$$

Required Survey Methodologies

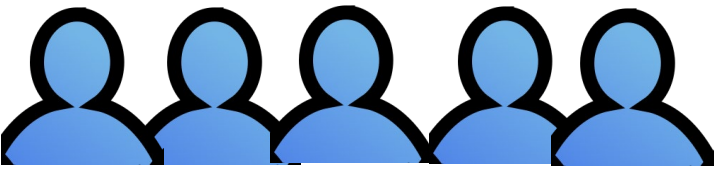
- Weighted Median



Unweighted median: 50% of all salaries are above this point, and 50% of all salaries are below this point

Required Survey Methodologies

- Unweighted median



Blue U Average:

$\Sigma(\text{Blue Salaries}) \div \# \text{ of Blue Salaries}$



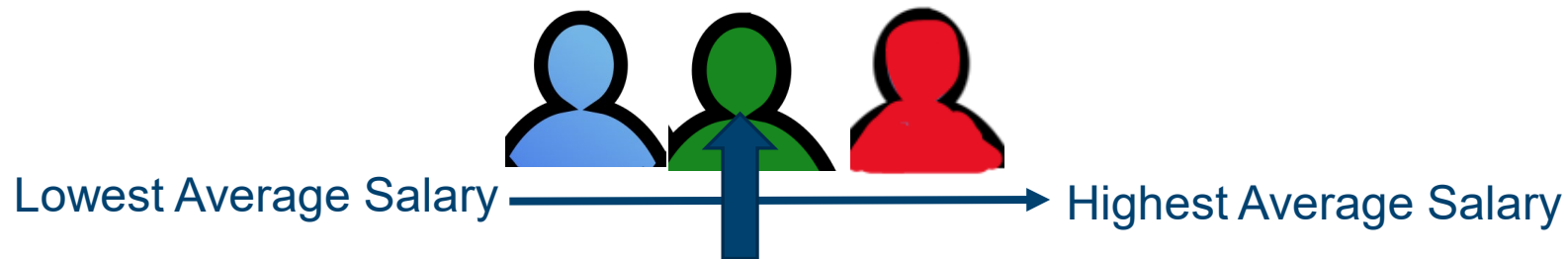
Red U Average:

$\Sigma(\text{Red Salaries}) \div \# \text{ of Red Salaries}$



Green U Average:

$\Sigma(\text{Green Salaries}) \div \# \text{ of Green Salaries}$



Unweighted median: Median of average institutional salary

Benefits of CUPA-HR DataOnDemand

- Adheres to required survey methodologies
- Accepted by DOL on LCA (without need to obtain NPWC determination/confirmation)

Benefits of DataOnDemand

- No artificial salary inflation
- Adjusts to location

Benefits of DataOnDemand

- User friendly
- Quick

Benefits of DataOnDemand

Supplemental documentation

- Comparison of DOL OES Wage Guidelines and CUPA-HR Survey Procedures
- “To ensure the inclusion in our surveys of faculty working in the medical and allied fields, survey respondents are directed to equate clinical duties with those of teaching and research. Faculty positions in these fields will normally encompass clinical duties.”

Examples

Sunnyside University in Los Angeles, CA

- Chief Academic Affairs Officer / Provost
- Instructional Designer
- Associate Prof: General Psychology
- New Assistant Prof: Computer and Information Sciences

Submission Details

Public Access File

- Master file
 - Annual Survey report
 - Supplemental methodology statement
- Individual file
 - Wage report(s)
 - ETA 9141 if NPWC
 - Support documents

Submission Details

What to submit to OFLC for PERM PWD

- Cover page
- Wage report(s)
- Annual Report summary
- Supplemental methodology statement

Submission Details

Reporting the CUPA-HR DOD wage data on the relevant DOL documentation

- ETA-9141
 - Survey Name: [year] Faculty/Professionals in Higher Education Annual Report
 - Survey Date: Refer to Annual Report
- ETA-9035
 - Survey producer/publisher: CUPA-HR
 - Survey Name: [year] Faculty/Professionals in Higher Education Annual Report
 - Source Year: [year of publication]

Have a Question?



Submit questions to our presenters
using the Chat.



Thank You

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