National Prevailing Wage and Helpdesk Center
Prevailing Wage Frequently Asked Questions
December 2009

Question: What labor certification programs are affected by the new prevailing wage process administered by the National Prevailing Wage and Helpdesk Center (NPWHC)?

Answer: As described in the Department's December 4, 2009 Federal Register Notice (74 FR 63796), the National Prevailing Wage and Helpdesk Center (NPWHC) will process Prevailing Wage Determination (PWD) requests for H-1B, H-1B1(Chile/Singapore), H-1C (if reauthorized by Congress), H-2B, E-3 (Australia) programs, and the permanent labor certification program (PERM). The procedures for obtaining the required wage rates in the H-2A program described in the transition provision of the H-2A 2008 Final Rule at 20 CFR 655.100(b)(2)(i) remain unchanged.

Question: What form should I use to request a Prevailing Wage Determination?

Answer: An employer must use ETA Form 9141 to request a PWD from the NPWHC. This form is available in the Forms and Instructions section of the OFLC website: http://www.foreignlaborcert.doleta.gov/form.cfm

Question: How do I file a PWD request?

Answer: To request a PWD, an employer must mail a completed ETA Form 9141 to the NPWHC at the following address:

U.S. Department of Labor
Employment and Training Administration
National Prevailing Wage and Helpdesk Center
Attn: PWD Request
1341 G Street, NW
Suite 201
Washington, DC 20005-3105

Question: Will the NPWHC accept prevailing wage determination requests via fax, e-mail, or other electronic means?

Answer: No. Initially, the NPWHC will only accept mailed-in ETA Forms 9141. The Department is, however, in the process of creating a prevailing wage module on its iCert portal. We will make an announcement in the Federal Register and on the OFLC website when iCert becomes available for the electronic submission of PWD requests.

Question: Once the NPWHC makes a PWD, how will I receive it?

Answer: The Department's strong preference is for the electronic transmittal of PWDs. Therefore, we encourage all requestors to include their email addresses on the ETA Form 9141, under item B15. Once a determination is made, the NPWHC will email the requestor an electronic copy of the PWD. In order to receive emails from the NPWHC, requestors should ensure that the domain @dol.gov is not blocked by their email provider.

If the requestor does not provide an email address on its ETA Form 9141, item B15, the NPWHC will send the PWD to the requestor's mailing address by regular mail.

Question: How can I obtain assistance in preparing a PWD request?

Answer: Persons with questions regarding the preparation of PWD should consult the OFLC website: www.foreignlaborcert.doleta.gov

Question: Once I submit a PWD request, how long will it take to receive a determination?

Answer: The NPWHC is working to provide Prevailing Wage Determinations as quickly as possible, in the first-in, first-out (FIFO) order. However, determination times may fluctuate somewhat as the Department works to centralize processing of PWD requests at the NPWHC. Therefore, we continue to encourage requestors to submit their ETA Forms 9141 at least **60 days** in advance of the employers' initial recruitment efforts.

Question: What do I do once I receive my PWD?

Answer: Once an employer receives a PWD, the employer may begin recruitment or file an application for foreign labor certification, depending on the program. The employer must follow program-specific rules and regulations for filing foreign labor certification applications. In addition, employers may refer to OFLC's website: www.foreignlaborcert.doleta.gov for more information on labor certification programs.

Question: I already sent a PWD request to the State Workforce Agency (SWA) and have not yet received a response. Will the SWA process my request?

Answer: SWAs have been instructed to complete all PWD requests received on or prior to December 31, 2009. Any PWD request received at a SWA between January 1, 2010 and up to and including January 15, 2010 will be forward by the SWA to the NPWHC. Any PWD request received at a SWA after January 15, 2010 will be returned to the requestor with instructions on how to file the PWD request with the NPWHC.

Question: I sent a request to the Chicago National Processing Center (CNPC) for an H-2B Prevailing Wage Determination. Will the CNPC process my request?

Answer: The CNPC will complete all H-2B PWD requests received on or prior to December 31, 2009. H-2B PWD requests received at the CNPC between January 1, 2010 and up to and including January 15, 2010 will be forward by the CNPC to the NPWHC. However, any H-2B PWD request received at the CNPC after January 15, 2010 will be returned to the requestor along with written instructions on how to file a PWD request with the NPWHC.

Question: What do I do if I have a problem or issue with a PWD request I submitted to the NPWHC prior to receiving a determination?

Answer: For issues with PWD requests prior determinations being issued, please email the NPWHC at FLC.PWD@dol.gov.

Question: I received a PWD from the NPWHC, but I misplaced it. How can I get a duplicate copy of the PWD?

Answer: To request a duplicate PWD, send an email to FLC.PWD@dol.gov. The NPWHC will send an exact duplicate of the PWD to the requestor named on the ETA Form 9141.

Question: How do I request a PWD based upon a source other than OES?

Answer: On the ETA Form 9141 item D.a.6 (Job Duties), after the description of job duties, include a sentence surrounded by asterisks (***) requesting the use of a specific source, with the name, edition, revision and publication date as appropriate.

In addition, after entering the employers' job title in item D.a.1, enter the title or occupation name and code, as appropriate in square brackets.

Example

D.a.6: *** Request SCA WD 95-0221 (Rev.-23) Emergency Incident/Fire Safety Services ***

D.a.1: Site Sample Technician **[**30210 - Laboratory Technician**]**

Question: What supporting documentation should I submit with my ETA Form 9141 to request the use of SCA or DBA wage?

Answer: No supporting documentation is required to request the use of SCA or DBA wage. If we need additional information to make a PWD, we will send a letter to the requestor asking for specific information.

Question: What documentation should I submit in addition to ETA Form 9141 when the job opportunity is covered by a collective bargaining agreement (CBA)?

Answer: Submit the following at the time you submit the ETA Form 9141:

a. A copy of the relevant portion of the CBA;
b. A letter, on letterhead, from the employer, stating the relevant section of the CBA, the CBA job title, and the appropriate wage; and
c. A letter, on letterhead, from the collective bargaining unit's (union) authorized representative, stating the relevant section of the CBA, the CBA job title, and the appropriate wage.

Question: What documents do I need to send with a request to use an employer provided/published or employer conducted/commissioned survey?

Answer: The NPWHC will consider wage information provided by the employer in making a PWD. An employer must provide the following information pertaining to the survey:

a. The name of the published survey;
b. The publication schedule for the survey. 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 anticipated release of the survey;
c. When the data was collected;
d. A description of the job duties or activities used in the survey; and
e. The methodology used in the survey:
    i. How the universe is defined;
    ii. How the sample size was determined
    iii. How the participants were selected; and
        a. The number of employers surveyed for the occupation in the area;
        b. The number of wage value responses (employees) for the occupation in the area;
    iv. A list of employer participants or explanation of how the cross industry nature of the survey was maintained;
    v. How the presented wage was determined and if it is the "mean" or "median";
    vi. Any other appropriate information on the survey's methodology;
    vii. The area covered by the survey or relevant portion thereof and an explanation of any expansion of the area beyond normal commuting distance, when applicable.

Question: How do I request that a Higher Education American Competitiveness and Workforce Improvement Act (ACWIA) wage be used?

Answer: On the ETA Form 9141 item D.a.6 (Job Duties), after the description of job duties, include the following statement surrounded by asterisks: "***This employers is an institution of higher education or a research entity under 20 CFR 656.40(e). ***"

Question: For H-2B only: How do I indicate on ETA Form 9141 that I want to use the H-2B special procedures for itineraries?

Answer: On the ETA Form 9141 item D.a.6 (Job Duties), after the description of job duties include the following statement surrounded by asterisks: "***This position is for H-2B temporary employment in the <particular H-2B special procedure industry>. An itinerary is attached.***"

Question: What information should I include to get PWDs for the various locations under the H-2B special procedures for itineraries?

Answer: The itinerary must include the following:

a. The place of employment with full address if available; use the name of the area covered if there is no street address such as George Washington National Forest;
b. The county or equivalent for that address;
c. Any additional work site in that area;
d. The begin and end date in that work site; and
e. Each page must include, as entered on the ETA Form 9141 on page one:
    i. the Employer's Name
    ii. the trade (DBA) Name
    iii. the Employer's Job Title
    iv. the date of the request