

DOL Stakeholder Conference Call: Prevailing Wage Update September 9, 2011

In attendance from AILA: Grace Hoppin, Jean Malitz, Warren Leiden, Sharon Ross, Deborah Notkin, Aimee Todd, Ingrid Brey, Ron Wada, Pamela Mick, Bob Deasy, Betsy Lawrence

In attendance from DOL: William Carlson, Elissa McGovern, Bill Rabung, Brian Pasternak, staff from solicitor's office.

Representatives from other stakeholder groups, including ACIP, NAFSA and the ABA were also in attendance.

Dr. Carlson articulated these key points:

- **PERM Prevailing Wage Requests:**
 - DOL has assembled a team, consisting of employees from Washington, DC and Chicago, to work on the backlog of PERM prevailing wage determinations. The team is working on these backlogs on a FIFO (first in first out) basis. The team is currently processing prevailing wage requests received in early June.¹
 - Prevailing wage requests that remain pending beyond the current date that DOL is processing may be held up because of complicated issues such as use of an alternate wage survey and specific geographic location. Right now, all prevailing wage requests are deemed to be “backlogged” so it is too soon to tell if a case may be stuck in the pipeline. This will be addressed further at the upcoming stakeholder meeting.
 - If a prevailing wage determination is received and contains an error, (e.g., missing a wage level), send a pdf copy to the prevailing wage help desk (flc.pwd@dol.gov) and ask for a correction.
- **Update on H-2B Prevailing Wage Redeterminations and Schedule for Bringing All PWDs Current**
 - Of the approximately 3,500 H-2B wage redeterminations to be completed by the end of September, DOL has completed approximately 2,700. DOL expects to be current on H-2B redeterminations by the week of Sept 18, 2011.
 - After H-2B redeterminations are current, a few employees will continue to work on “straggler” H-2B cases and all others who were working on redeterminations will be reassigned to work on new H-2B prevailing wage requests. DOL expects H-2B prevailing wage determinations to be current (regulatory 30 days) by mid-October.

¹ As of the publication of this document, AILA has received reports that members have received prevailing wage determinations for requests that were filed as late as June 15, 2011.

- After H-2Bs are current, DOL will shift resources to focus on PERM prevailing wage requests. DOL commits to have PERM prevailing wage requests current (processed within 60 days of filing) by November 1.
- DOL commits to have H-1B prevailing wage determinations current by the second week of November.
- The aforementioned dates were said to be the “worse case scenario,” absent something catastrophic (e.g. hurricane) or other major event/change.
- DOL agreed that stakeholders would benefit from updates on progress made toward these processing targets, and would consider publishing an update on the status of prevailing wages at the end of September on the OFLC website.

DOL repeated that it will not waive any of the regulatory requirements and did not provide any additional guidance on alternative avenues for PERM cases that are ripe for filing but for the lack of a prevailing wage determination.

- **Other Issues:**

- ACWIA Wages on iCERT: DOL stated that ACWIA wages should now be correctly reflected on iCERT. [*AILA Comment: This was verified and confirmed after the call. If members cannot locate ACWIA wages on iCERT, please notify liaison at reports@aila.org and provide details on the missing information or problem*].
- Stakeholders also raised issues regarding the new FAQ on electronic publications for special handling cases, as well as technological problems with inserting the new SOC codes into the ETA 9089. DOL will review these issues and will be prepared to discuss them at the next stakeholder meeting.