Jonathan L. Moore
McCandlish Holton PC
1111 E. Main Street   FEB 1 1 2016
Suite 2100
Richmond Virginia 23219

RE: Freedom of Information Act Response Letter
        Tracking Number 792329

Dear Mr. Moore:

Thank you for your Freedom of Information Act (FOIA) request dated November 25, 2015, which was recovered from a backlog in the Office of Administrative Services (OAS) on December 22, 2015. You requested a variety of records pertaining to **_ETA Form 9141_** processing and guidance.

The OFLC's National Prevailing Wage Center completed a search on Friday, February 5, 2016, through the internal electronic share drive and located 133 responsive documents, enclosed. After review, the enclosed documents have been granted in full.

Although all records have been granted in full, you may file an appeal with the Solicitor of Labor within 90 days from the date of this letter. You may direct your appeal, clearly marked as "FOIA Appeal" as follows: via fax to (202) 693-5538; via e-mail to FOIAAppeals@dol.gov; or, by regular mail to the Solicitor of Labor, Division of Management and Administrative Legal Services, Room N-2420, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210. Your appeal must state the grounds for the appeal, and include supporting statements/arguments, a copy of your original and/or revised request, and a copy of this letter.

I hope this information is helpful.

Sincerely,

William W. Thompson, II
Acting Administrator
Office of Foreign Labor Certification

Enclosure

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE
NUMBER: PW006
EFFECTIVE DATE: 12 September 2013
SUBJECT: Request For Information (RFIs)

Purpose: The purpose of this SOP is to document the steps required to complete a Request For Information (RFI) for an employer submitted ETA Form 9141 with deficiency(ies), to request additional information or to request clarification in order to determine the appropriate SOC and prevailing wage. The process steps in this SOP are primarily executed by the Contract staff and Federal staff making case recommendations.

Background: All employer submitted ETA Form 9141 require certain mandatory fields as outlined in Attachment "A" (Application for Prevailing Wage Determination – ETA Form 9141). Additionally, there are times where additional information or clarification is needed, requiring the Analyst to prepare an RFI.

Statutory Requirement
20 CFR 655.10
20 CFR 656.40
Non-agricultural Prevailing Wage Guidance, November 2009

Procedure

1. Login to the iCERT portal
2. Select an individual 9141 Form for review.
3. For applications older than seven days that contain missing, incorrect or vague information in a mandatory or conditionally mandatory field, the Recommender will send an RFI. For applications requesting survey or CBA wages without the relevant documents, the Recommender will send an RFI. For RFIs issued during the appeals process, refer to PW_11 Redeterminations and PW_12 Center Director Review.

4. Executing the RFI
    A.   Add Note
    B.   Create a case note, the "Title" of the note should be: RFI – (reason) either Survey, CBA, Job Description, Supervision etc., with either a Void Date or Suspense Date xx/xx/xx
        Example: RFI E.a.5: VOID xx/xx/xx or RFI Survey SUSP xx/xx/xx
    C.   Select "Correspondence" as the category option.

D.   The note caption will read:
          1.   The physical file audit yielded the same omitted, incorrect or vague information. The 9141 will move forward as a RFI. The deficiencies are: List each section of the 9141 Form that was omitted, incorrect, or vague. Example: Section a. Job Description (5.) job duties vague.
E.   Save the note

5. From the Correspondence Tab
    A.   Select the Correspondence tab and click new email or letter. The Correspondence type will be: Email and the Template selection will be: Request for Further Information Email.

Insert standard language created in the above case note (para 5.D.1) (After the 2nd paragraph from [Insert RFI Reason] to the end of the letter) using the language from the Email RFI Template using the following text:

1. The deficiencies are: XXXXXXXX

The employer must fully complete the section(s) listed above within 7 calendar days.   If the National Prevailing Wage Center does not receive the response within 7 days, we will void the application. The employer may withdraw this application at any time and submit a new application.

2. Use "Response to RFI P-000-00000-000000" as the subject for the e-mail.

3. In addition, indicate that the National Prevailing Wage Center has permission to correct your ETA 9141 with the information you provide in your response.

You must send the information requested to the following address: flc.pwd@dol.gov

With your response, please reference the following information:
-    the PW Case Tracking Number,
-    the legal business name of the employer, and
-    the requestor contact name, telephone number and email address.

National Prevailing Wage Center

    a. Upon inserting the standard language list the applicable deficiencies within the email. Update the case number listed within the email.
    b. Select send to notify the employer of the RFI Action.
    c. From the actual RFI correspondence link:

Page **2** of **12**

> d. Select the detail icon and click the "response due" drop down to select 12 days –this will automatically populate the appropriate projected VOID date.
> e. <mark>Close the 9141. (Move the case to HOLD)</mark>
> f. The case will remain in the Hold Queue.

B. RFI Response Received
> a. Select the applicable case from "my cases queue"
> b. Open the case and review the requested information provided within the RFI Response was properly reconciled on the application.
> c. Proceed with recommendation and submission as normal.
> d. * RFI's for surveys that were not received and have been released back to processing for an OES wage by Helpdesk.
> e. Confirm worksheet and analyst notes are correct, submit and assign to the appropriate federal analyst processing cases with surveys both attached and not attached.

For Additional Templates for RFIs Refer to Addendum 1: PW06 RFI Addendum 1 - Templates and List of RFI Language.xlsx
S:\Standard_Operating_Procedures\Production

Template for VOID RFI

Template for Survey RFI

Template for standard ACWIA RFI

Template for Davis Bacon Act (DBA) RFI

Template for Redetermination RFI

 Template for RFI for Center Director Review Cases

For the list of template RFI Language refer to Addendum 1:PW06 RFI Addendum 1 - Templates and List of RFI Language.xlsx
S:\Standard_Operating_Procedures\Production

**Attachment A: Application for Prevailing Wage Determination
                   ETA Form 9141 (U.S. Department of Labor)**

Mandatory fields are shaded in red	Non-mandatory fields are not shaded
Conditionally Mandatory fields are shaded in yellow	

Attachment A: Application for Prevailing Wage Determination
ETA Form 9141 (U.S. Department of Labor)

Please read and review the instructions carefully before completing this form and print legibly. A copy of the instructions can be found at http://www.foreignlaborcert.doleta.gov/.

A. Employment-Based Visa Information

1. Indicate the type of visa classification supported by this application *(Write classification symbol)*: *

B. Requestor Point-of-Contact Information

1. Contact's last (family) name *	2. First (given) name *	3. Middle name(s) *
4. Contact's job title *		
5. Address 1 *		
6. Address 2		
7. City *	8. State *	9. Postal code *
10. Country *	11. Province (if applicable)	
12. Telephone number *	13. Extension	14. Fax Number
15. E-Mail Address		

C. Employer Information

1. Legal business name *		
2. Trade name/Doing Business As (DBA), if applicable §		
3. Address 1 *		
4. Address 2		
5. City *	6. State *	7. Postal code *
8. Country *	9. Province (if applicable)	
10. Telephone number *	11. Extension	
12. Federal Employer Identification Number (FEIN from IRS) *	13. NAICS code (must be at least 4-digits) *	

D. Wage Processing Information

1. Is the employer covered by ACWIA? *	❑ Yes ❑ No
2. Is the position covered by a Collective Bargaining Agreement (CBA)? *	❑ Yes ❑ No
3. Is the employer requesting consideration of Davis-Bacon (DBA) or McNamara Service Contract (SCA) Acts? *	❑ Yes ❑ No ❑ DBA ❑ SCA

D. Wage Processing Information (cont.)

4. Is the employer requesting consideration of a survey in determining the prevailing wage? *	❑ Yes ❑ No
4a. Survey Name: *§*	
4b. Survey date of publication: *§*	

E. Job Offer Information

   a. Job Description:

1. Job Title *	
2. *Suggested* SOC (ONET/OES) code *	2a. *Suggested* SOC (ONET/OES) occupation title *

3. Job Title of Supervisor for this Position (if applicable) *§*

4. Does this position supervise the work of other employees? * ❑ Yes ❑ No	4a. If "Yes", number of employees worker *§* will supervise: _____
4b. If "Yes", please indicate the level of the employees to be supervised: ❑ Subordinate ❑ Peer	

5. Job duties – Please provide a description of the duties to be performed with as much specificity as possible, including details regarding the areas/fields and/or products/industries involved. A description of the job duties to be performed **MUST** begin in this space. *

6. Will travel be required in order to perform the job duties? * ❑ Yes ❑ No	6a. If "Yes", please provide details of the travel required, such as the area(s), frequency and nature of the travel. *§*

Page **6** of **12**

E. Job Offer Information (cont.)

b. Minimum Job Requirements:

1. Education: minimum U.S. diploma/degree required *	
☐ None ☐ High School/GED ☐ Associate's ☐ Bachelor's ☐ Master's ☐ Doctorate (PhD) ☐ Other degree (JD, MD, etc.)	
1a. If "Other degree" in question 1, specify the diploma/ degree required *§*	1b. Indicate the major(s) and/or field(s) of study required *§* (May list more than one related major and more than one field)

2. Does the employer require a second U.S. diploma/degree? *	☐ Yes ☐ No
2a. If "Yes" in question 2, indicate the second U.S. diploma/degree and the major(s) and/or field(s) of study required *§*	

3. Is training for the job opportunity required? *	☐ Yes ☐ No
3a. If "Yes" in question 3, specify the number of <u>months</u> of training required *§*	3b. Indicate the field(s)/name(s) of training required *§* (May list more than one related field and more than one type)

4. Is employment experience required? *	☐ Yes ☐ No
4a. If "Yes" in question 4, specify the number of <u>months</u> of experience required *§*	4b. Indicate the occupation required *§*

5. Special Requirements - List specific skills, licenses/certificates/certifications, and requirements of the job opportunity. *

c. Place of Employment Information:

1. Worksite address 1 *	
2. Address 2	
3. City *	4. County *
5. State/District/Territory *	6. Postal code *
7. Will work be performed in multiple worksites within an area of intended employment or a location(s) other than the address listed above? *	☐ Yes ☐ No
7a. If "Yes", identify the geographic place(s) of employment indicating each metropolitan statistical area (MSA) or the independent city(ies)/township(s)/county(ies) (borough(s)/parish(es)) and the corresponding state(s) where work will be performed. If necessary, submit a second completed ETA Form 9141 with a listing of the additional anticipated worksites. Please note that wages cannot be provided for unspecified/unanticipated locations.*§*	

D. Wage Processing Information (cont.)

4. Is the employer requesting consideration of a survey in determining the prevailing wage? *	❑ Yes ❑ No
4a. Survey Name: *§*	
4b. Survey date of publication: *§*	

E. Job Offer Information

   a. Job Description:

1. Job Title *	
2. *Suggested* SOC (ONET/OES) code *	2a. *Suggested* SOC (ONET/OES) occupation title *

3. Job Title of Supervisor for this Position (if applicable) *§*

4. Does this position supervise the work of other employees? * ❑ Yes ❑ No	4a. If "Yes", number of employees worker *§* will supervise: _____
4b. If "Yes", please indicate the level of the employees to be supervised:	❑ Subordinate ❑ Peer

5. Job duties – Please provide a description of the duties to be performed with as much specificity as possible, including details regarding the areas/fields and/or products/industries involved. A description of the job duties to be performed **MUST** begin in this space. *

6. Will travel be required in order to perform the job duties? * ❑ Yes ❑ No	6a. If "Yes", please provide details of the travel required, such as the area(s), frequency and nature of the travel. *§*

E. Job Offer Information (cont.)

b. Minimum Job Requirements:

1. Education: minimum U.S. diploma/degree required *

☐ None ☐ High School/GED ☐ Associate's ☐ Bachelor's ☐ Master's ☐ Doctorate (PhD) ☐ Other degree (JD, MD, etc.)

1a. If "Other degree" in question 1, specify the diploma/ degree required *§*	1b. Indicate the major(s) and/or field(s) of study required *§* (May list more than one related major and more than one field)

2. Does the employer require a second U.S. diploma/degree? *	☐ Yes ☐ No

2a. If "Yes" in question 2, indicate the second U.S. diploma/degree and the major(s) and/or field(s) of study required *§*

3. Is training for the job opportunity required? *	☐ Yes ☐ No

3a. If "Yes" in question 3, specify the number of <u>months</u> of training required *§*	3b. Indicate the field(s)/name(s) of training required *§* (May list more than one related field and more than one type)

4. Is employment experience required? *	☐ Yes ☐ No

4a. If "Yes" in question 4, specify the number of <u>months</u> of experience required *§*	4b. Indicate the occupation required *§*

5. Special Requirements - List specific skills, licenses/certificates/certifications, and requirements of the job opportunity. *

c. Place of Employment Information:

1. Worksite address 1 *	
2. Address 2	
3. City *	4. County *
5. State/District/Territory *	6. Postal code *
7. Will work be performed in multiple worksites within an area of intended employment or a location(s) other than the address listed above? *	☐ Yes ☐ No

7a. If "Yes", identify the geographic place(s) of employment indicating each metropolitan statistical area (MSA) or the independent city(ies)/township(s)/county(ies) (borough(s)/parish(es)) and the corresponding state(s) where work will be performed. If necessary, submit a second completed ETA Form 9141 with a listing of the additional anticipated worksites. Please note that wages cannot be provided for unspecified/unanticipated locations.*§*

Page **9** of **12**

F. Prevailing Wage Determination

FOR OFFICIAL GOVERNMENT USE ONLY	
1. PW tracking number	2. Date PW request received

3. SOC (ONET/OES) code	3a. SOC (ONET/OES) occupation title

4. Prevailing wage $ _____ . ____	4a. OES Wage level ☐ I ☐ II ☐ III ☐ IV ☐ N/A

5. Per: (Choose only one)
    ☐ Hour ☐ Week ☐ Bi-Weekly ☐ Month ☐ Year ☐ Piece Rate

5a. If Piece Rate is indicated in question 2, specify the wage offer requirements :*

6. Prevailing wage source (Choose only one)

☐ OES (All Industries)   ☐ OES (ACWIA – Higher Education)   ☐ CBA   ☐ DBA   ☐ SCA   ☐ Other/Alternate Survey

6a. If "Other/Alternate Survey" in question 7, specify

7. Additional Notes Regarding Wage Determination

8. Determination date	9. Expiration date

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE EVENT LOG

PW06

Revision Date	Section Number	Comments
1/28/2013	Section 6	Created Template for Survey RFIs
3/19/2013	Section 6	Created Template for OSD RFIs
9/12/2013	New 9141 Form	New 9141 Form Sample
1/13/2014	Purpose	The process steps in this SOP are primarily executed by the Federal and Contract staff
4/30/2014	Administrative	Updated header to "OFLC Internal Use Only" and page numbers.
12/9/2014	Section 5	Updated void language in initial RFI correspondence.
3/17/15	Section 6	Added IT related RFI language
3/27/15	Section	Updated ACWIA RFI language.
6/5/15	Section 5	Added Addendum 1
6/8/15	Section 5	Removed RFI language and templates(now listed in the addendum)
6/9/15	Section 5	Corrected Links to Addendum

OFLC Internal Use Only

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE
NUMBER: PW07
EFFECTIVE DATE: 20 September 2012
SUBJECT: Prevailing Wage SOP – ACWIA Coverage

Purpose: The purpose of this document is to outline the procedures to establish and maintain a listing of ACWIA wage employer institution and wage assignments.

Background: The NPWC must issue an ACWIA wage for all institutions of higher education and research entities covered by ACWIA. Federal analysts review identified employers for ACWIA coverage referencing 20 CFR 656.40(e)(1) and ACWIA Affiliated FAQ.

Internal Controls:
As part of the internal controls process, the NPWC produces daily and weekly productivity reports which are shared with the National Office. Such reports are used to ensure NPWC productivity is consistent with this Standard Operating Procedure.

Statutory Requirement
20 CFR 656.40(e)(1)
PWD Processing Directive No.03
ACWIA Affiliated FAQ
Non-agricultural Prevailing Wage Guidance, November 2009

Contents:
Part I
Determining ACWIA Coverage Procedure
Non ACWIA SME Team

Part II
Determining ACWIA Coverage Procedure
ACWIA SME Team

References:
Addendum 1: 20 CFR 656.40(e)(1)
Addendum 2: ACWIA Affiliated FAQ
Event log: Standard Operating Procedures event log

Procedure

Part One
Determining ACWIA Coverage Procedure
Non ACWIA SME Team:
Note: ACWIA coverage requests in appeals see section A. 3. ii

A. Standard Look Up Procedure
1. Analyst reviews the Decision Support System (DSS) and ETA Form 9141 for possible indications of an ACWIA covered employer. Employers that meet any of the following criteria may be an ACWIA covered employer:
    i.   Have 'College' or 'University' in their name.
    ii. Have a government agency in their name.
    iii. Have a NAICS of
        1. 611310
        2. 622110
        3. 622310
        4. 541712
        5. 541711
    iv. Is a research organization and indicated their affiliation and non-profit status.
    v.   Includes a statement requesting the ACWIA wage.
    vi. Includes supporting ACWIA documentation
2. If the employer meets any of the ACWIA criteria listed above, proceed to next step. If the employer does not meet any of the ACWIA criteria above, proceed with case processing.
3. Check for ACWIA Coverage in the DSS and the Reference Application Note for PW Ref App: Use the FEIN located on the 9141 form, enter it into the "Find ACWIA Employer" section of the PWRA and select "Find Employer."
    i.   *Covered*-issue ACWIA wage
    ii. *Not Covered*-issue All Industries OES wage except when the employer submits supporting ACWIA documentation or when the status is *Pending Validation.* If one of the two exceptions is met follow the steps below.
        1. Email the designated ACWIA SME Team members with the case number, employer's name, and FEIN.
        2. Add a Case Note and place the case in HOLD
            a.   Title: ACWIA Coverage Request;
            b.   Category: Correspondence;
            c.   Note: Employer's information sent to ACWIA SME Team for coverage
            d.   Set a 3 day suspense date
4.   If the ACWIA SME Team requests a RFI, proceed to the next step

B. Sending an ACWIA RFI
1. Analyst will add a case note, place the case in HOLD, and follow the standard RFI Procedures (See RFI SOP located at S:\Standard_Operating_Procedures\Production)
   i. Title: HOLD for ACWIA Status RFI
   ii. Category: Correspondence
   iii. Note: ACWIA RFI sent.
2. Analyst will use the ACWIA RFI language given to them by the ACWIA SME team member;
3. If No ACWIA language is given, Analyst will use the standard ACWIA RFI language: The status of the employer in regards to coverage under the ACWIA wage provisions is unclear. Please provide documentation the entity meets one of the definitions under 656.40(e)(1) [paraphrased below]: (i) the employer is a non-profit college or university issuing a bachelor's degree or a two year program leading to a four year degree (ii) an affiliated [with a covered college or university] non-profit entity with a shared governing body (iii) the employer is a non-profit or government organization primarily engaged in research in the sciences, social sciences, or humanities.

Part Two: Administration of Proactive ACWIA Reports and Data
Determining ACWIA Coverage Procedure
ACWIA SME Team

A. Designated contract staff runs a report that includes ACWIA cases requiring coverage check every Wednesday. The report is titled: "EIN Not Found."
B. The report is sent to the ACWIA SME Team, Contractor Supervisors, Federal Supervisors and Center Director.
1. The "EIN Not Found" report generally includes:
   a. Cases that indicate one of the NAICS codes from the ACWIA directive but the employer is not in the Reference Application.
   b. Cases that meet one of the queried criteria (i.e. University in the name)
   c. Cases where the employer is specifically requesting ACWIA
   d. Cases that have uploaded ACWIA documentation and the case is either "Pending" or "Not Eligible" in the Reference Application.
C. On the following day (Thursday), a designated contract staff member will run a report to capture the cases needing RFI's for ACWIA.
1. The Helpdesk and/or the contract Team Leads will issue the RFI's for ACWIA based on the report.
   a. Case Note for RFI:
      i. Title: "RFI Reason ACWIA Documentation SUSP MM/DD"
      ii. Category: "Correspondence"
      iii. Note: Insert the standard ACWIA RFI language (and if appropriate any other deficiency noted in the case note from the Federal Analyst).

         Standard ACWIA RFI Language:

"The status of the employer in regards to coverage under the ACWIA wage provisions is unclear. Please provide documentation the entity meets one of the definitions under 656.40(e)(1) [paraphrased below]:

(i) the employer is a non-profit college or university issuing a bachelor's degree or a two year program leading to a four year degree

(ii) an affiliated [with a covered college or university] non-profit entity with a shared governing body

(iii) the employer is a non-profit or government organization primarily engaged in research in the sciences, social sciences, or humanities."

2. When the RFI response comes in:
   a. Helpdesk notifies the ACWIA SME Team via e-mail and copies the contract Team Leads.
      i. The Helpdesk uses the following language in the e-mail:
         1) "We are in receipt of a response to the RFI for the above referenced case, uploaded for your approval and in HOLD pending your direction."
   b. If the RFI response is insufficient:
      i. The ACWIA SME Team notifies the contract Team Leads about the deficiencies
      ii. The Helpdesk will send insufficient language to the employer (see Helpdesk SOP)
3. Once all the action has been taken by the ACWIA SME Team, the Helpdesk releases the case from the HOLD queue and assigns to the appropriate Recommending Analyst.

I. Part Three: Proactive ACWIA Report Procedure – ACWIA SME Team
   A. One of the ACWIA SME team members will save a copy of the "EIN Not Found Report" to "S:\CO Use\ACWIA\Proactive ACWIA Reports" with the current date.
      i. The primary ACWIA SME shall evenly assign ACWIA cases among the active ACWIA team by color coding employers.
      ii. The primary ACWIA SME shall save the report as a "shared" document.
   B. The ACWIA SME will review the employer for ACWIA coverage using the Standard ACWIA Look up Procedures as outlined in Part Four below.
      i. If an RFI for ACWIA coverage is needed:
         1. The CO places the case in HOLD; **Note:** In order to move the case to the HOLD queue, the CO must reassign the case to his/herself first and then move the case to hold from his/her queue) with the following case note:
            a. Title: "ACWIA RFI"
            b. Category: "Correspondence"

       c. Note: "ACWIA RFI requested.

       d. Standard ACWIA RFI Language added in the case note:

"The status of the employer in regards to coverage under the ACWIA wage provisions is unclear. Please provide documentation the entity meets one of the definitions under 656.40(e)(1) [paraphrased below]:

          i. the employer is a non-profit college or university issuing a bachelor's degree or a two year program leading to a four year degree

          ii. an affiliated [with a covered college or university] non-profit entity with a shared governing body

          iii. the employer is a non-profit or government organization primarily engaged in research in the sciences, social sciences, or humanities. "

       e. There may be other deficiencies in the case and these must be listed in the case notes as well.

          i. If there are no other deficiencies in the case, please add a note stating "No Other Deficiencies."

C.   Reviewing an ACWIA RFI Response

    i. The ACWIA SME Team opens the case from the HOLD queue to review all responses.

    ii. The ACWIA SME Team will save the ACWIA documentation to the S: Drive in the following location: S:\CO Use\ACWIA\ACWIA Supporting Documents

    iii. The ACWIA SME Team makes the ACWIA coverage determination (See Part Four, B. Determining if an Employer is Covered by ACWIA) and updates the Reference Application (see Part Three, C. Updating the PW Reference Application).

    iv. The ACWIA SME Team will reply to the original Helpdesk e-mail notifying the Helpdesk, the contract Team Leads, ACWIA SME Team, and Federal Supervisors of the determined ACWIA status.

D. When an ACWIA Coverage determination has been made from the ACWIA RFI response, the ACWIA SME will add a case note with the following:

       a. Title: ACWIA Coverage Determination

       b. Category: Decision

       c. Note: ACWIA covered or not covered (depending on the outcome). "The Reference Application has been updated accordingly." Include an

explanation of what has been re-evaluated and/or
updated.

E. The ACWIA SME will update the Reference Application with the
determined ACWIA status (see Part IV.A.4.- Updating the PW
Reference Application).

F. The ACWIA SME will also update the case status in the "EIN Not
Found" excel spreadsheet.

II. Part Four: Standard ACWIA Look Up Procedure -ACWIA SME Team
Initiated upon Review of PW07 Part 1, Part 2, or Part 3

A. Standard ACWIA Look Up Procedure

1. Locate the FEIN and case number on either the Coverage Request e-mail
or the weekly proactive report, whichever is applicable.

2. Open the case in iCERT in the "PW Utilities" section using the case
number

a. Check for supporting ACWIA documentation in the "Correspondence"
and/or "Case Document" sections of the PWD.

i. Supporting ACWIA documentation needs to be saved at: S:\CO
Use\ACWIA\ACWIA Supporting Documents

3. Check the ACWIA status of the employer in the PWRA: Select "Find
ACWIA Employer" in the PWRA, enter the FEIN, and select "Find
Employer."

a. Entry indicates "Eligible"

i. An ACWIA coverage decision has already been made, but double-
check the information in the "Notes" section for accuracy. Make
edits if necessary by using the "Edit" button.

b. Entry indicates "Not Eligible"

i. An ACWIA coverage decision has already been made but double-
check the information in the "Notes" section for accuracy and
evaluate any additional supporting ACWIA documentation
submitted with the corresponding case.

ii. If there is additional ACWIA supporting documentation submitted,
re-evaluate the employer for ACWIA coverage using the steps
below in section IV.B. Determining if an employer is covered by
ACWIA.

c. Entry indicates "Pending Validation"

i. Check the notes for cases that may be pending an ACWIA RFI
and/or other pertinent information to the ACWIA coverage decision
such as supporting ACWIA documentation.

ii. Evaluate the employer for ACWIA coverage using the steps below
in section IV.B. Determining if an employer is covered by ACWIA.

d. "Not Found" result

i. Add a new record by entering the FEIN in the "EIN" section and
selecting "Add Employer." Add the "Business Name" gathered from
the 9141 form.

ii. Evaluate the employer for ACWIA coverage using the steps below
in section IV.B. Determining if an employer is covered by ACWIA.

      e. Multiple employers with the same FEIN
         i. There may be multiple employers listed under one FEIN. If the employer's name on the 9141 does not match the FEIN record in the PWRA, add a new record (follow step 4 below. for updating the PWRA)
         ii. Evaluate the employer for ACWIA coverage – see section IV.B below -Determining if an employer is covered by ACWIA.

4. Updating the PW Reference Application
    a. Open PW Reference Application and select "Find ACWIA Employer".
    b. Enter the Federal Employer Identification Number (FEIN) number in the field "EIN", and select "Find Employer" to see if a record exists.
    c. If no record exists
       i. Select "Add Employer".
       ii. Enter the employer's FEIN number in the field "EIN".
      iii. Enter the employer's name in the field "Business Name".
      iv. Enter the location of the supporting documents in the field "Location of Supporting Documents".
       v. Note the employer's ACWIA status.
          1) If the employer is ACWIA covered
            (i) Select "Eligible".
            (ii) Enter determination justification in the "Notes" field.
          2) If the employer is NOT ACWIA covered
            (i) Select "Not Eligible".
            (ii) Enter determination justification in the "Notes" field.
          3) If a RFI was deemed necessary
            (i) Select "Pending Validation".
            (ii) Enter specific notes in the "Notes" field including a case number and date.
    d. If a record exists
       i. Select "Edit" on the record and make modifications and add notes as necessary.
       ii. After all notes and modifications are entered, select "Save and Exit".
    e. After all notes and modifications are entered, select "Save and Exit".

5. Actions for ACWIA coverage request e-mails
    a. Reply to email indicating the ACWIA Coverage determination
       i. CC federal supervisors, contract supervisors and other ACWIA SME Team members.
       ii. The ACWIA SME Team must respond to the ACWIA coverage request email within three business days
    b. Add a case note with the following
       i. Title: ACWIA Coverage Determination
       ii. Category: Decision
      iii. Note: ACWIA covered or not covered (depending on the outcome). "The Reference Application has been updated accordingly."

Include an explanation of what has been re-evaluated and/or
updated.

III. Part Five: Determining if an Employer is Covered by ACWIA-ACWIA SME Team
Initiated upon Review of PW07 Part 1, Part 2, Part 3, or Part 4
  A.
  B. The employer must meet one or more of the definitions in 20 CFR §
     656.40(e)(1)
     1. See Addendum 1 for 20 CFR § 656.40(e)(1) definitions
     2. Also see Addendum 2 - ACWIA Affiliated FAQ - for helpful hints in
     determining 20 CFR § 656.40(e)(1)(ii)

  C. Examine any supporting ACWIA documentation as well as conduct website
     research to determine if the employer is ACWIA coverage.
  D. Verify that the address on the 9141 matches the address on the internet
     search. Many employers have similar names but the address will help
     distinguish them.
     3. See Addendum 1 for 20 CFR § 656.40(e)(1)
  D. If the submitted documents and internet research are insufficient to render an
     ACWIA coverage decision, a RFI is appropriate.
       a. Part III, section B outlines the process for sending a RFI from a case
          from the proactive report.
       b. For ACWIA coverage email requests, reply to the email requesting the
          analyst to send a RFI for ACWIA using the standard ACWIA RFI
          language referenced in Part I.D.3.
       c. Update the PWRA for the employer indicating "Pending Validation" and
          include the case number, date, and explanation for RFI in the notes
          section.
  E. Add a Case Note indicating the determined ACWIA coverage
     1. Case Note
       a. Title: ACWIA Coverage Determination
       b. Category: Decision
       c. Note: ACWIA Covered or Not ACWIA covered.
     2. Update the PWRA accordingly based on section IV.A.4-Updating the
     PWRA.

References:

- **Regulation**
    - o 20 Code of Federal Regulation § 656.40(e)(1)
- **Reference Links for ACWIA Coverage Determination**
    - o National Center of Education Statistics: http://nces.ed.gov/globallocator/
    - o U.S. Department of Education- The Database of Accredited Postsecondary Institutions and Programs: http://www.ope.ed.gov/accreditation/Search.aspx
- **Processing Directive**
    - o PWD Processing Directive No.03: S:\Internal Directives\PWD Processing Directive No 03 06May2010 Final
- **ACWIA Affiliated FAQ**
    - o S:\CO Use\ACWIA\Policy and Procedure Workarea

Addendum 1

20 CFR 656.40(e)(1)

Institutions of higher education and research entities. In computing the prevailing wage for a job opportunity in an occupational classification in an area of intended employment for an employee of an institution of higher education, or an affiliated or related nonprofit entity, a nonprofit research organization, or a Governmental research organization, the prevailing wage level takes into account the wage levels of employees only at such institutions and organizations in the area of intended employment.

(1) The organizations listed in this paragraph (e) are defined as follows:

(i) Institution of higher education means an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965. Section 101(a) of that Act, 20 U.S.C. 1001(a)(2000), provides an institution of higher education is an educational institution in any state that:

(A) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

(B) Is legally authorized within such state to provide a program of education beyond secondary education;

(C) Provides an educational program for which the institution awards a bachelor's degree or provides not less than a two-year program that is acceptable for full credit toward such a degree;

(D) Is a public or other nonprofit institution; and

(E) Is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary of Education for the granting of preaccreditation status, and the Secretary of Education has determined there is satisfactory assurance the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(ii) Affiliated or related nonprofit entity means a nonprofit entity (including but not limited to a hospital and a medical or research institution) connected or associated with an institution of higher education, through shared ownership or control by the same board or federation, operated by an institution of higher education, or attached to an institution of higher education as a member, branch, cooperative, or subsidiary.

(iii) Nonprofit research organization or Governmental research organization means a research organization that is either a nonprofit organization or entity primarily engaged in basic research and/or applied research, or a United States

Government entity whose primary mission is the performance or promotion of basic research and/or applied research. Basic research is general research to gain more comprehensive knowledge or understanding of the subject under study, without specific applications in mind. Basic research is also research that advances scientific knowledge, but does not have specific immediate commercial objectives although it may be in fields of present or commercial interest. It may include research and investigation in the sciences, social sciences, or humanities. Applied research is research to gain knowledge or understanding to determine the means by which a specific, recognized need may be met. Applied research includes investigations oriented to discovering new scientific knowledge that has specific commercial objectives with respect to products, processes, or services. It may include research and investigation in the sciences, social sciences, or humanities.

(2) Nonprofit organization or entity, for the purpose of this paragraph (e), means an organization qualified as a tax exempt organization under the Internal Revenue Code of 1986, section 501(c)(3), (c)(4), or (c)(6) (26 U.S.C. 501(c)(3), (c)(4) or (c)(6)), and which has received approval as a tax exempt organization from the Internal Revenue Service, as it relates to research or educational purposes.

Addendum 2

ACWIA Affiliated FAQ

Q: What documentation does NPWC require in order to show an employer meets the Department's Regulations at 20 CFR §656(e)(1)(ii) Affiliated or related nonprofit entity?

The NPWC researches entities that may be covered by the wage provisions of ACWIA using the WWW. When the a definitive decision cannot be reached, the NPWC will ask the requestor listed on the ETA Form 9141 for documentation showing how the employer meets the definition as set forth in Departmental regulations.

The first test is the non-profit status of the employer. An IRS issued letter stating the employer, under the FEIN on the application, has an appropriate non-profit status is sufficient.

Documentation showing affiliation through any of the following:

1) Shared ownership either directly or by a parent entity. This includes branch, subsidiary and cooperative relationships.
2) An oversight group (board, committee, et al) has the authority to direct the members.
3) An agreement exists requiring a position to have decision making authority in both entities – example: The position of Chief of Radiology at the Hospital will also be the Chair of the Radiology Department at the Medical School.
4) Responsibility for conducting the qualifying activity is shared - example: The Medical School and the Hospital shall jointly establish the curricula for medical resident and fellowship programs. This includes situations where several entities are involved such as a residency program where specific portions take place at separate hospitals and/or medical schools where the overall program is combined.

When the documentation shows the situations below, without any from above, then ACWIA wage coverage is not indicated:

1) Agreements where the institution of higher education is in essence 'renting space' from the requesting entity. Example statement: The Hospital will allow access to its facilities at the reimbursement rate negotiated each year and will remit appropriate charges for medical services provided to the Medical School.

2) Conferring of unpaid faculty status upon a person in the employ of the requesting entity by an institution of higher education.

3) The number cross-designated employees in relation to the total in the particular program is a relevant factor. When a requesting employer has a notable number of employees cross-designated with an institution of higher education, especially when combined with a notable number of participants, then ACWIA wage coverage is indicated. Conversely when the numbers are low then coverage is not indicated. An example: a mid-sized hospital has a single surgeon with part time faculty status with a particular medical school and a single fellow in training then the number of cross-designated employees and the number of participants is small enough to indicate ACWAI wage coverage is not appropriate.

Internal Use Only

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE EVENT LOG

PW07 – ACWIA

Revision Date	Section Number	Comments
3/19/13	Internal Controls	Added "Internal Controls" section and statement on page one.
3/19/13	Part Two, Sections A.3.b.i and A.4.a-d	Changed "Federal Analyst" to "ACWIA SME Team"
4/30/2014	OFLC Internal Use Only	Added " OFLC Internal Use Only" to the first page
4/30/2014	Contents	Updated pages in "Contents" section on page one
5/6/2014	All	Rearranged content and formatting for better flow and updated to reflect current processes

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE
NUMBER: PW08
EFFECTIVE DATE: 9 September 2013
SUBJECT: Analyst Review: Prevailing Wage Determination

Purpose

The purpose of this SOP is to document the process used to determine a Prevailing Wage recommendation. The process steps in this SOP are primarily executed by the Contract staff and Federal Staff making case recommendations

Background

This SOP is used to perform analyst review actions for Prevailing Wage Determinations. Subsequent analyst reviews are then forwarded to a federal certifying official for certification.

Statutory Requirement

O*net http://www.onetonline.org
Online Wage Library (OWL) http://www.flcdatacenter.com/OesWizardStart.aspx
Career Infonet http://www.careerinfonet.org/
iCERT http://icert.doleta.gov/index.cfm
DOL/Employment and Training Administration http://www.doleta.gov/
ACWIA Reference database S:\Common\ACWIA Reference
SCA wages for H-2B http://www.wdol.gov/sca.aspx#0
PW Reference Application

Additional Requirement

DSS (Decision Support Software) \\oflc-col-fp01\shared\desktop\TekPro Apps\ Decision Support

Procedure

1. Launch iCERT, OWL, and O-Net, PW Reference Application (I-Cert and OWL are located on each Analyst's Desktop), DSS (Decision Support Software)
2. Login to the iCERT portal http://icert.doleta.gov/index.cfm; Enter designated login and password.
3. Click on "Prevailing Wage"→ "PW Queues" → "My Cases"
4. Team Lead will assign cases to analyst each morning, within the respective "recommendation day" range.
    A. H2B, Microsoft and Data Entered Cases will be assigned to Analysts that are identified to work cases requiring "special handing".
    B. All cases are to be worked in FIFO (First In First Out) Order with the exception of instances where there are duplicate E.a.5 cases submitted by the employer, the Analyst then has the approval to work all cases with Duplicate job duties out of FIFO order.

5. Open a Case in iCERT

6. [PW Decision Support System](#)

    A. Prior to processing, all cases must be immediately entered into DSS.
    B. Copy/paste the case number into the DSS by highlighting (right to left) the case number from iCERT
    C. Based upon the results, please create a case note as follows:

Title:	DSS
Category:	Worksheet/Checklist
Note:	Copy/Paste the findings

    D. Review each DSS flag and take appropriate action, as necessary.
    E. Any duplicate cases flagged will be assigned for coding consistently.
    F. If DSS is not available, CPA will enter the following note:

Title:	DSS
Category:	Worksheet/Checklist
Note:	DSS not available

7. Review the 9141 Form for corresponding documentation and eligibility criteria (accuracy and completeness):
NOTE: If ACWIA supporting documentation found, send case information to ACWIA team as directed in Part 1 of [ACWIA SOP – PW07](#).
    A. Check the "Correspondence", "Case Notes" and "Case Document Tabs"
    B. Review all prior correspondence and external uploads
    C. Analyst is to open and view all correspondence and take appropriate action.
        i.   Employer Provided Survey
        ii.   Collective Bargaining Agreement Wage Documentation
        iii.   Contract Service Agreement
        iv.   Other Supporting Documentation
    D. If the Analyst determines if a case is not a survey, they are to create an OSD case note. Reference SOP PW17 OFLC Case Notes.
    E. If the Analyst finds that the "Other Supporting Documentation" are additional Job Duties (Section E.a.5) and/or additional Special Requirements (Section E.b.5), the Analyst will send an RFI to the employer requesting the additional information that must be listed on the 9141. Reference PW_06 RFI

    F. If the case was data entered confirm that the original 9141 has been uploaded, open the document, and review/check for accuracy against the iCERT case.

    G. If a data entry error is discovered, the Analyst makes the necessary corrections, creates a case note: Title, Data Entry Correction, Category is Data Entry and the note should identify the Section and field where the correction was made.

    H. If a revision or edit must be made within the specified guidelines regarding the Employer Correspondence process, make the necessary adjustment and in doing

so, in the dialogue box, select Other as the Category. Reference SOP:
PW17_NPWC Case Note Coding System

8. Review all Mandatory fields on the 9141 (See Internal Color Coded Form for guidance in training materials. Electronic copy stored on S:\Training Materials\ETA Form 9141 Manditory Fields Marked.doc.
   A. If there are missing mandatory fields and submitted within 7 days, the case is then eligible for VOID. See SOP PW 04 – VOID Processing for further instructions.
   B. If USA is listed in Section E.c4 or there is a city/county/state obvious misspelling, employer correspondence needs to be sent, see SOP PW17 – NPWC Case Note Coding System for proper Employer Notification Code and process.
   C. If there are missing mandatory fields and submitted outside of 7 days, the case then requires an RFI (Request for Further Information). See SOP PW06 RFI
   D. Once the RFI response is received by Help Desk, and the case is returned to the Analyst, it is the responsibility of the Analyst to review the employers entire RFI response and reconciliation for accuracy and completeness.

9. Review EIN (Section C.12.) and Employer (Section C) for ACWIA eligibility. See SOP PW07 – ACWIA for complete instructions.
   A. If candidate for ACWIA, copy and past the EIN (Section C.12.) in PW Reference Application to verify eligibility. PW Reference Application: (S:\Common\ PW Reference)
   B. DSS (Decision Support System) will flag cases that are ACWIA eligible, ineligible and possible employer candidates for consideration. See SOP PW07 – ACWIA for proper case handling instructions.

10. Review Job Description and make comparison to O*Net in order to select the Candidate SOCs.

   A. Consider employer requirements in totality, such as Experience, Training, Education and other Special Details in order to make the most appropriate selection.

   B. Highlight key words or phrases, considering most significant job duties and determine connection to the Summary task of the candidate occupations in ONET. (Referencing employer's job duties and O*NET)

   C. Eliminate those SOCs that least fit the employer's job duties. In addition:

   D. Consider prior determinations, Redeterminations and Center Director Reviews submitted by the same employer with duplicate job duties. (Referencing DSS and iCERT).

      1. If analyst determines that case should be coded contrary to previous determinations, please see Addendum 1 and 2.
      2. If there is an identical previous determination pending redetermination, please see Addendum 3.

   E. Research any licensing, requirements job duties that are unknown to the Analyst using resources such as Google, Wikipedia.

F. Thoroughly read the Occupation page of the PW Ref App; consider tasks under the Key Usage Info, Key Related Info and the General Section tab.

G. Make most appropriate SOC selection based on items outlined above.

11. Special Handling Instructions
   A. Combination of Duties: If the job duties have several tasks from different but similar occupations and the tasks require significantly different skill sets then select both (only rarely will there be more than two occupations, and record reasoning in Case Notes. Use the OES Wage Level Procedures to determine the occupation with the higher wage for the location and wage level and code the PWD as this occupation while putting into the Additional Notes Regarding Wage Determination. Also record the two wages and the wage level worksheet for the non-selected occupation in the Case Notes.
   B. All Microsoft, Qualcomm and Intel cases are currently assigned to designated Analysts for special handling. See instructional documents - S:\CO Use\Microsoft, Intel, Qualcomm
   C. Recommendation for H-2B cases should be completed within nine days of submission and assigned to the designated Federal Reviewer. See Analyst SME listing. This target timeframe is subject to change based upon volume, the need to send an RFI or other circumstances that may arise.

12. From the PW Ref App Main Menu (S:\Common\ PW Reference):

   A. Click Find O*Net:
   B. Enter SOC Code, then Click Find Occupation
   C. Click Create Worksheet Notes
   D. Enter the required fields in the Worksheet Notes as outlined below:
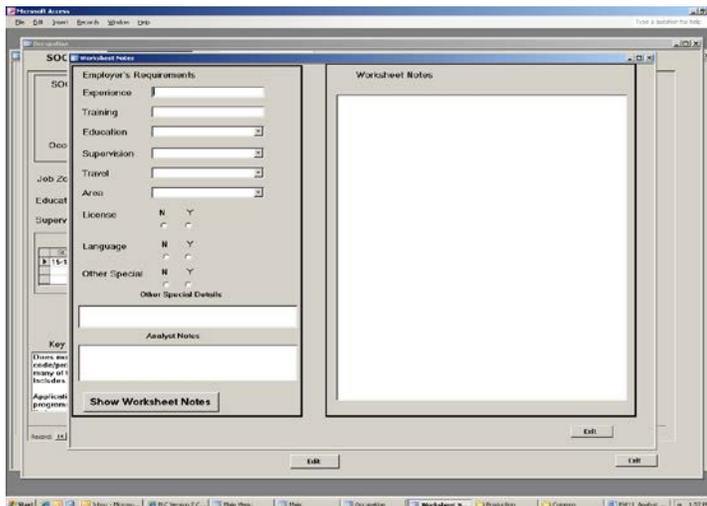
   E. "Analyst Note" should explain the Analyst's reasoning for SOC selection. Analyst should give an explanation of their SOC selection.

   F. Once all necessary information has been filled out, Click "Show Worksheet Notes"

13. Complete Analyst Recommendation in iCERT

A. Copy and paste the Worksheet Notes into iCERT in the "Add Note" section. Title: "Wage Level Worksheet"; Category: "Worksheet/Checklist"; Save.
B. H-2B Cases: Do Not insert the total points from the Wage Level Worksheet notes into the "Checklist" for the categories: Occupation, Experience, Education, Training, Special Skills/Other Requirements, and Supervisory duties.
   1. When calculating H-2B wage no points are to be assessed in the "Checklist" of the Worksheet & Checklist Tab due to all H-2B cases being assigned a mean wage.

C. Go to the Worksheet & Checklist Tab and insert the total points from the Wage Level Worksheet notes into the "Checklist" for the categories: Occupation, Experience, Education, Training, Special Skills/Other Requirements, and Supervisory duties.
D. In the "Prevailing Wage Information (Primary Worksite)" box, the selected SOC (ONET/OES) Code must match the selected SOC.
E. To change the selected SOC Code: Click on "Search SOC/O*Net (OES) Code"
F. Enter the 6 digit SOC code into the "Search" area and click "Search."
G. Click the desired SOC code from the list and this will populate the new SOC code in iCERT in the Prevailing Wage Information (Primary Worksite) area.
H. In the "Prevailing Wage Information (Primary Worksite)" box, change the "Prevailing Wage Source" to "OES."
I. Use the wage level calculator in iCERT (small calculator icon next to the "Year") to determine the wage level.
J. Within the OES calculator, select "County/Township" as the "Area Based On." **Exception:** Select "ACWIA Higher Ed." as the "Collection Type" for ACWIA eligible employers.
K. Select the Area based on the County, City and State (from sections E.c.3., E.c.4., E.c.5. in iCERT)
   1. Click "Calculate" and "Add Wage to Worksheet"
   2. H-2B CASES: When calculating mean H-2B wage, make sure that the "Use Mean Calculation" box is checked. This will calculate a mean wage and not a Level 1 wage.
L. Click "Calculate" and "Add Wage to Worksheet"
M. Click on "Submit Determination" to forward the prevailing wage recommendation to the Certifying Officer (CO)
N. Click "Ok" when asked "Are you sure you wish to submit recommendation?"
O. Assign all CBA/Survey cases to the appropriate Federal Reviewer.
   1. H-2B Cases: Assign cases requesting a Non-OES wage (SURVEY, SCA, DBA or CBA) to the appropriate respective Federal Reviewer. Cases requesting an OES wage are not assigned to a specific Federal Reviewer.

14. Analyst Review: Return Procedures
   A. Analyst will be notified of Federal Review Return by email.
   B. Email will indicate the following: "P-100-13310-178791 is being returned for further consideration".
   C. Open up case in iCERT and click on "Case Notes"
   D. Read the most current note added by Federal Reviewer.

      1. Note will be titled "Return Note" and begin with a numbered return code (5,6,7,8)

  E. Read entire note and assess all changes/actions recommended by Federal Reviewer.
      1. If Analyst does not agree with CO Return, See Step 2==(B)(iii)== of SOP PW17 Case Note Coding System.
  F. Create a new Wage Level Worksheet (if needed) to include all necessary changes recommended by Federal Reviewer.
  G. If return is for an RFI, issue the RFI and place case into HOLD.
      1. Once RFI comes in, assess case based on RFI Response.
  H. Save new Wage Level Worksheet into iCERT.
  I. Change SOC selection (if needed).
  J. Update Checklist to account for correct amount of points.
  K. Assess wage based on new evaluation.
  L. Submit case and assign back to Federal Review who issued the return.

ADDENDUM 1

Coding contrary to previous determination.

1) Identify the current case and all prior case(s) in question to code inconsistently.
    a. Previously issued or recommended case(s) in question can be found through DSS and Multiple Fillings tab of 9141.

2) Check with the analyst who made the original decision and the SME for the occupation to get input.

3) Write an explanation as to why your decision is appropriate and, if possible, why the previous decision is not correct.

4) Modify the write up to incorporate their comments when appropriate.

5) Populate your analysis using the format below; send an e-mail to your appropriate supervisors (Tekpro as directed by your CoC; Federal analysts send to both supervisors).

Current Case Number: P-100-13353-204230	Precedent Case Numbers:
	Highlighted case is a redetermination based on survey.

P-100-13178-091677	17-2072
P-100-13256-154513	17-2072
P-100-13192-407834	17-2072
P-100-13204-820047	15-1133
P-100-13294-347446	15-1133
P-100-13298-721189	15-1133
P-100-13308-537080	15-1121
P-100-13198-567519	17-2072

What is in conflict between the determinations: The precedent cases were coded as 17-2072, 15-1133 and 15-1121. Some requested surveys, some did not.

What it should be: 15-1121	What was issued: 15-1133, 17-2072 and 15-1121
An explanation of the suggested change: The job duties include designing and implementing system requirements, determining system specifications, coordinating design of subsystems and integrating the total system. The duties are a good fit to 15-1121. ONET: Develop, document and revise system design procedures, Determine computer software or hardware needed to set up or alter system, including coordinating the installation of computer programs and systems.

The Special Requirements in E.b.5 point more towards 17-2072 and include experience in DSP, RF measurements, experience with radio chips and wireless components and semi-conductors.

Two suggestions for proceeding: 1. Code as 15-1121 based on job duties and add a point for the experience requirement which is not normal to CSA. 2.Send an RFI to clarify the type of systems | An explanation of why the decision was flawed: The job duties as written are a good match to 15-1121. If we can code based on the job duties, then we do have a match. The duties do not include design and development of operating systems software so 15-1133 is not a good fit. The job duties in conjunction with the special requirements could be used to justify 17-2072/1 but we would be justifying SOC selection via Special Requirements rather than job duties. |

the employee will design. .	

Response from the CO for the precedent case and the relevant SMEs: I conferred with the precedent case COs and the SME for the 15 series. The 17 series SME is out till mid Feb. 15-series SME feedback: This seems more in line with the engineers. Kristin is the 17 SME now (although she's out of town so that doesn't help). The 17-2072 seems like the best fit especially given the education requirements. Brian, Telisa and Terri are the COs for the non-survey cases and Caroline for the survey cases. Brian's feedback: I do think it has to be coded as 15-1121 and I really cannot see 17-2072 or 15-1133. I do think we should consider assigning a special skill point for the special requirements since they really don't have any relevance to the job duties. I understand the desire to RFI, but we can very easily code the case based on the job description. Considering how far behind we are, it seems to me it would be best to assign a special skill point and allow them to come back at redetermination to tell us why those duties are normal. The one thing that gives me pause is the education. I am not sure why a CSA would need to have a Ph.D., but in the end, is that really for us to question when the duties are so clear? Caroline's feedback: The job duties as written are taken from the survey job descriptions for the provided surveys
A recommendation on how the PWRA or other reference/procedure can be improved to limit this/these issue(s) occurring in the future: I believe there is sufficient information in the PWRA to make a decision.

6) Add a case note:
    Title: 20a Case Awaiting Guidance
    Category: HOLD
    Note: Escalating for review to Issue Determination Contrary to Previous Determinations.

7) Move the case to HOLD.

8) Email respective Management and Cc: Tekpro Supervisors.
   a. Tekpro TL's will search for multiple filings with duplicate job duties and move those cases to HOLD with the appropriate case note (above).

9) One of the federal supervisors will respond giving permission to break consistency or providing the reason why the original determination(s) is correct. If the case reaches day 50 for review (day 35 for recommendation) and no response has been received from a supervisor then check with your supervisor in person.

   a. Tekpro TL's will add the respective case note, 20i Guidance Received to all of the appropriate cases in HOLD.

   b. Upon coding guidance, analyst will code case and submit for CO review

ADDENDUM 2

Purpose: To clarify use of All Other SOCs

Directives: The O*Net SOC User Guide defines All Other SOC codes (generally ending in 9) as a residual, occupation, placed in the structure when it is determined that the detailed, distinct occupations comprising a broad occupation group do not account for all of the workers in the group with a Direct Title Match. Only Workers who perform activities not described in any distinct detailed occupation in the SOC structure should be coded in an appropriate "All Other" or residual occupation. Accordingly, use of All Other SOC codes should be limited.

Guidelines for use of All Other SOC Codes

1.   Direct Title Match – NPWC Guidance Revised November 2009 and the SOC User Guide identify the Direct Title Match as the first step

2.   Job duties - The SOC User Guide states users "should assign workers to the most detailed occupation possible". If the employer's job duties cannot be reasonably matched to a distinct SOC, All Other Codes may be considered.

Process:

1.   Identify the case and the All Other code proposed

2.	Write an explanation as to how the job duties are not a reasonable fit with a distinct detailed occupation and how they are a better fit with an All Other SOC

3.	Provide the Direct Title Match from the 2010 Direct Title Match that fits with the application.

4.	Check with the SME for their input (SME for proposed All Other, 1 other reviewer and the designated Senior Analyst)

5.	Incorporate their comments into your explanation

6.	Send an e-mail to your appropriate supervisors (Tekpro as directed by your CoC; Federal analysts send to all supervisors).

7.	Add a case note like so:

Title: 20a Case Awaiting Guidance

Category: HOLD

Note: Escalating for review to Issue an All Other SOC

8.	Move the case to HOLD

9.	Set a SUSPENSE date of 5 days. Note: Once SUSPENSE date has expired TL will check for response and if none exists notify respective All Other members.

10.	Email respective Management and Cc: Tekpro Supervisors

11.	One of the supervisors will respond giving permission to determine the case with the All Other SOC. If the case reaches day 50 for review (day 35 for recommendation) and no response has been received from a supervisor then check with your supervisor in person.

12.	Tekpro TL's will add the respective case note, 20i Guidance Received and upload the documented decision in iCert.

13.	Upload the email chain to iCERT.

a.	Save document as "All Other Decision P-XXX-XXXXX-XXXXXX"

Case Notes:

1.   When using an All Other SOC: Per PWRA, "Consider using 11-9199.00 Managers, All Other when the job duties match the tasks from the break out occupations below and cannot be reasonably classified elsewhere " OR "Direct Title Match to 29-1069".

2.   When an All Other SOC is requested and not used: Considered 15-1199.09 Information Technology Project Managers, but duties can be reasonably classified as 11-3021.

ADDENDUM 3

When a case has a job description identical to the job description of a case currently pending redetermination, no action should be taken without checking with the redetermination team as to whether they are likely to make any coding changes. **Analysts:** If the DSS search or another search indicates that there is a pending redetermination, please initiate the process below.   **Reviewers:** Check the recommender's DSS notes, check DSS and/or multiple filing; if you discover there is a pending redetermination please initiate the process below.

- Place the regular case on hold (see instructions below for the format to be used for the hold note). It will have a 5 day suspense period.
- Send an e-mail to the entire redetermination team (Kalela, Shaun and Marc) requesting their feedback on the redetermination request.
- Copy the Appeal Supervisor (Yasheka) and the other supervisors (Kris and Paul).
- Copy TekPro (Laura, Jantsen and Mike). Tekpro will set the suspense date and check for additional matching cases.
- One member of the redetermination team will assign the case under their name, and then review the redetermination and supporting documents (when applicable).
- The reviewing member of the redetermination team will respond to all recipients of the email within five days, informing them of the proposed outcome.
  - Once the redetermination member responds, you may move forward with the case based on that response.
  - Once a decision has been made TekPro should copy the note from the redetermination team member to each case in the hold queue and release the case from hold (and assign the following code: 20i – Guidance Received).
  - If the redetermination team does not respond within five days, TekPro will release the case from hold and add a note indicating there was no response from the redetermination team (and assign the following code: 20i – Guidance Received). The analyst or reviewer may continue processing the case.
- The proposed decision may not be immediately processed because, like all redeterminations, it will be processed in FIFO order.

- The analyst or reviewer of the regular case will either send an RFI for documents, if needed, or continue processing the case.
- If no RFI is needed, but the analyst or reviewer and the redetermination team member agree to code in a way that is inconsistent with a previous determination, one of the following steps must be taken:
    - When the coding of both the current case and the case pending redetermination are going to be changed, and there are no other finalized determinations coded differently, consistency will be considered to have been maintained (even if the current case is issued before the redetermination case) and the coding contrary process will not be used.
    - When the coding of both the current case and the case pending redetermination are going to be changed, and those changes will be inconsistent with previous finalized determinations, then the coding contrary process will be used.

Please Note: It might not be immediately obvious that there is a pending redetermination with identical job duties. If the DSS lists identical job descriptions, check each case that is older than the current case in iCERT to determine whether redetermination has been requested. **Reviewers:** You **must** search in iCERT because the fact that a redetermination had not been requested when the DSS was checked does not mean one has not been requested subsequently. If there is any question as to whether there are prior determinations that are not captured by the DSS, please check multiple filings or perform a search in utilities to double check whether there is a pending redetermination.

Note: If the case is in any stage of appeal send a courtesy e-mail to the redetermination team asking whether the redetermination will be affirmed or if the CDR will continue to BALCA as determined.

Process for placing the case in hold:
1. Place the case in the hold queue and insert a note in the case notes using the following format
    a. Note Title: 20a Case Awaiting Guidance
    b. Category: Hold
    c. Note: This case is awaiting guidance from the redetermination team because the job duties are identical to (insert case number), which is currently pending redetermination.

Process for sending an RFI when there is a case pending redetermination
1. When to RFI
    a. If the redetermination team decides that the employer has provided information with the redetermination request that may cause the coding to

be changed, the reviewer will send an RFI trying to elicit the same information provided in support of the redetermination request.

    i. DO NOT ask for the information sent at redetermination or reference the case awaiting redetermination in any way.

    ii. Use the information in the redetermination to craft RFI language that may elicit the same information.

        1. Example: A PWD is issued as 41-9031. The employer believes 13-2051 is the better choice. They submit information demonstrating that the job requires performing financial analysis in support of securities trading, but that the job does not actually require executing trades.   When writing the RFI, ask the employer to clarify the meaning of duties Y and Z, which were originally read as performing financial trading, but which the redetermination request explains are trading support duties.

        2. Example: A PWD is issued as 15-1132, but the employer requests redetermination as 15-1121. The redetermination request explains that the testing being performed is integration and functionality testing, not code level testing, which was the reason the PWD was issued as 15-1132. The RFI sent by the reviewer should ask the employer what kind of testing is being performed.

b. There is no response from the redetermination team within the five day suspense window and no document uploaded, but the employer's general request for redetermination causes the reviewer to re-think how the case should be coded, an RFI may be sent to obtain additional information.

    i. DO NOT ask for the information sent at redetermination or reference the case awaiting redetermination in any way.

    ii. Send a RFI request seeking information about whatever it is in the redetermination request that caused you to re-think how the case was coded.

    iii. Alert the redetermination request was sent and let them know they should consider sending a redetermination request.

    iv. If the RFI response is received prior to the redetermination being reviewed, upload the RFI response to your case, pass along the RFI response to the redetermination team for their consideration <u>and</u> place a case note in the redetermination case alerting the redetermination reviewer that there is additional information to be aware of uploaded in your case (please be sure to include the case number of your case in the note).

c. There is no response from the redetermination team within five days and there is nothing in the redetermination request that indicates a coding change will be made.
   i. Move forward with coding the case (either code in line with the case pending redetermination or request permission to break consistency if you do not believe the prior determination was correct)
   ii. No RFI should be sent.

Internal Use Only

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE EVENT LOG

PWXX

Revision Date	Section Number	Comments
5/20/2013	Procedure #4	Reflecting the case assignment procedure change from Analysts assigning themselves work to Team Lead making daily case assignments.
9/12/2013	New 9141 Form	Added New 9141 Form for Reference
01/08/2014	6.E	Added case note for DSS not available
01/08/2014	7.E	Modified OSD directions
1/13/2014	Purpose	The process steps in this SOP are primarily executed by the Contract staff and Federal Staff making case recommendations
02/04/14	Section 14	Created Section 14 to address handling returned cases.
02/04/14	Section 13	Updated to include H-2B steps.
02/05/14	Section 14	Updated to direct to SOP PW 17 for disagreeing with CO return.
02/05/14	Section 10	Updated to include direction to ADDENDUM 1.

04/30/2014	Administrative	Updated header to "OFLC Internal Use Only" and page numbers.
07/08/2014	Section 10	Updated to include direction to ADDENDUM 2.
07/17/2014	Section 10	Updated to include direction to ADDENDUM 2.
09/12/2014	ADDENDUM I and 2.	Modified case note for removal from hold queue to 20i Guidance Received
09/12/2014	Section 10	Updated to include direction to ADDENDUM 3
09/12/2014	ADDENDUM 3	Added ADDENDUM 3 to the SOP

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE
NUMBER: PW09
EFFECTIVE DATE: Revised 7 MARCH 2013
SUBJECT: Analyst Guide - PWRA

Purpose
The purpose of this SOP is to document the steps necessary to use the PW Reference Application Database in order to assist the analyst and reviewers to make qualified and consistent prevailing wage reviews and recommendations. The process steps in this SOP are primarily executed by the Contract and Federal Staff.

Background
The PW Reference Application was developed to consolidate reference information into a single location in order to promote consistency and efficiency. Efficiency results from a single lookup location for the most common elements such as job zone, education and ACWIA information. Consistency is enhanced as some of the subjective decisions such as supervision and travel have been recorded by occupation. The worksheet case note is generated through the application for both a consistent look and feel as well as demonstrating a standard process.

Statutory Requirement
In accordance to the National Prevailing Wage Policy Guidance issued in November 2009 at section "OES Wage Levels", "[t]he NPWHC shall make a prevailing wage determination selecting one of the four wage levels for an occupation based on a comparison of the employer's job requirements to the occupational requirements: tasks, knowledge, skills, and specific vocational preparation (education, training, and experience) generally required for acceptable performance in that occupation.

It is important to remember that wage levels are determined only after selecting the most relevant O*NET SOC occupational code classification. The selection of the O*NET SOC code should not be based solely on the title of the employer's job offer. The NPWHC should consider the particulars of the employer's job offer and compare the full description to the tasks, knowledge, and work activities generally associated with an O*NET SOC occupation to insure the most relevant occupational code has been selected.

Contents
Part One – Overview for federal and contract analysts: The procedure below document the process used to determine a Prevailing Wage recommendation and/or determination after opening and reviewing a case in iCERT: (S:\Common\PW Reference)

I. **Find O*NET**: Once the analyst has opened and reviewed the 9141 application for corresponding documentation and eligibility criteria (accuracy and completeness) and has reviewed all mandatory fields on the 9141(See Internal Color Coded Form for guidance in training materials. Electronic copy stored on S:\Training Materials\ETA Form 9141 Mandatory Fields Marked.doc) the analyst is to then use the "Find O*NET" button in the PW Ref App Main Menu to create the corresponding worksheets (for recommenders) and/or confirm the selected SOC occupation to what the employer's job duties describe and confirm what is normal to the selected SOC (for reviewers).

II. **Find ACWIA Employer**: In the 9141the analyst must review the EIN (Section C.12.) and Employer (Section C) for ACWIA coverage (see SOP PW07 – ACWIA for complete instructions); in order to verify if the employer is a candidate for ACWIA coverage, the analyst will need to copy and paste the employer EIN from the 9141 (Section C.12) to the area in PW Ref App Main Menu – "Find ACWIA Employer" button. If the employer meets any of the following criteria they may be ACWIA Covered:
   A. Have 'College' or 'University' in their name.
   B. Have a government agency in their name.
   C. Have a NAICS of
      1. 611310
      2. 622110
      3. 622310
      4. 541712
      5. 541711
   D. Is a research organization and indicated their affiliation and non-profit status.
   E. Includes a statement requesting the ACWIA wage

III. **Occupation Group Reference**: The Occupation Group Reference tool allows analysts to select any occupation group or series in order to find helpful information about that occupational profile.

IV. **What's New**: The analyst is to read the "What's New" section each time they come into the PWRA to see if there is something they should open to notice what has changed or been added.

V. **Dictionary**: This tool represents a reference which contains an alphabetical list of words, with information given for each word that is useful to the NPWC analysts. So that when a word, abbreviation or acronym has a different meaning depending on the context, we may see the difference.

VI. **General Reference**: This tool is used when viable or different information is obtained on a SOC code which will help analysts make a practical decision in coding and leveling on the PW 9141 Form.

VII. **Find SCA**: The analyst may use this tool to find SCA cross walk codes that are comparable to O*NET SOC codes.

VIII. **Survey Worksheet:** The analyst may use this tool for the Employer Provided Survey – Check Sheet for when an employer provides a survey; however currently this function is not being used.

IX.   **DBA Info**: Davis Bacon Survey Information, this tool was used during the **New Rule Effect**; however it is currently not being used.

Part Two – Overview for federal staff only – "How to Enter"
I.   What's New
II.   Occupation Group Reference
III. General Reference
IV.   General Items
V.   Dictionary
VI.   Find O*Net
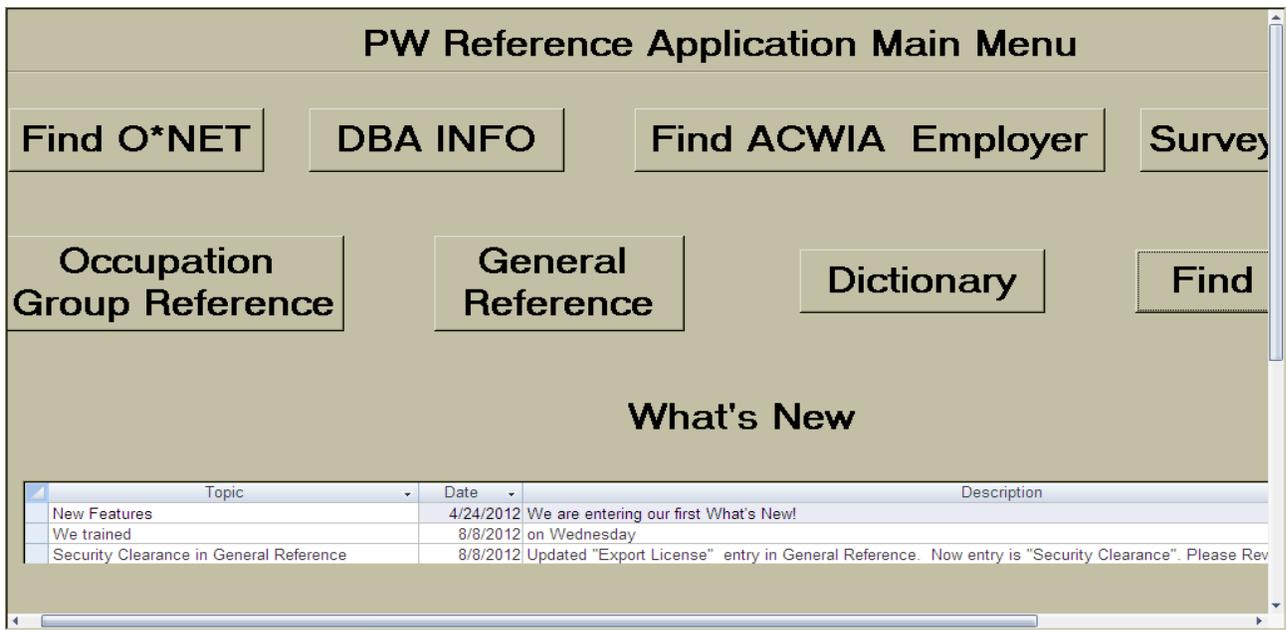
Fig.1 (PW Reference Application Main Menu screen)

Procedure
   I.   Find O*NET (*Fig.2*)
Feature Function: Once the analyst has opened and reviewed the 9141 application for corresponding documentation and eligibility criteria (accuracy and completeness) and has reviewed all mandatory fields on the 9141(See Internal Color Coded Form for guidance in training materials. Electronic copy stored on [S:\Training Materials\ETA Form 9141 Mandatory Fields Marked.doc](#)) the analyst is to then use the "Find O*NET" button in the PW Ref App Main Menu to create the corresponding worksheets (for recommenders) and/or confirm the selected SOC occupation to what the employer's job duties describe and confirm what is normal to the selected SOC (for reviewers).

   a. In the PW Reference Application Main Menu select the **Find O*NET** button (*Fig.2*)
   b. In the SOC Code location enter the needed 8 digit occupation code (v.2000) (format: xx-xxxx.xx) (*Fig.4*)
      i. **Note**: If you enter the 2010 SOC codes you will receive the following error message below (*Fig.3*):
   c. Click the **Find Occupation** button (*Fig.4*)
   d. Review the occupation information to make the appropriate SOC selection which closely matches the employer's job duties. (*Fig.4 and Fig.5*)
   e. After deciding on an SOC selection, click **Create Worksheet Notes or landscape** (*Fig.6*)
      i. Enter the employer's requirements (*Fig.7 and Fig.8a - below*)
         1. **Experience** amount
         2. **Training** amount (if any)
         3. **Education** selection
            a. None, High School, Associate's, Bachelor's, Master's, Doctorate, Professional Degree
      ii. Select the type of **Supervision** described on the application
         1. None, Limited, Inherent
      iii. Enter the frequency and **area** of **travel** described on the application
         1. Incidental, Little, Limited, Some, Extensive
         2. Local, National, International
      iv. Mark "Yes" if a special skill point is warranted – otherwise mark "No"
         1. **License**
         2. **Language**
         3. **Other Special**
      v. Describe why an **Other Special** skill point was assigned
      vi. Enter general **Analyst Notes** such as why the occupation was chosen, etc…
      vii. Click the **Show Worksheet Notes** to create the worksheet notes
      viii. Copy from the **Worksheet Notes** section and paste into I-Cert case notes. (*Fig.8a and 8b*)
      ix. Close out of the screen and click **Exit** (*Fig.6*)

Fig.2

Fig.3

Fig.4

Fig.5

6

Fig.6

In the figure:
- OC
- 3. Click → Create Worksheet Notes-Landscape
- SCA
- Notes
- Do not Use
- General
- This is often called a Programmer Analyst.
- ACWIA
- Use the appropriate R&D or Non-R&D.
- ng re at rs, e, API – write
- Click "Edit" to update specific occupation information (Federal Analyst only)
- 4. Click "Exit" to close out of this screen
- Edit
- Exit

In the figure:
- Microsoft Access - [Worksheet Notes]
- File Edit Insert Records Window Help
- Type a question for help
- Employer's Requirements
- Experience
- Training
- Education
- Supervision
- Travel
- Area
- License   N   Y
- Language   N   Y
- Other Special   N   Y
- Other Special Details
- Analyst Notes
- Show Worksheet Notes

1 Enter the employer's requirements

2 Enter the type of supervision described on the application

3 Enter the frequency and area of travel described on the application

4 Mark "Yes" if a special skill point is warranted – otherwise mark "No"
**Please note: if a license is normal to the occupation (e.g. Physicians, Surgeons, and Dentists, etc…) do not select anything-leave blank

5 Describe why Other Special skill point was assigned or why a certification was given a point

6 Enter general analyst notes such as why the occupation was chosen

7 Click here to create the worksheet notes.

7

Fig.8a

Fig.8b

Procedure
   II.   Find ACWIA Employer (*Fig.9*)
   Feature Function: Find ACWIA related information on employers who are ACWIA
   covered (American Competitiveness and Workforce Improvement Act) (*Fig.9*)

        a. Click the **Find ACWIA Employer** button (*Fig.9*)
        b. **EIN Number** - Insert (FEIN) Federal Employer Identification Number (i.e.,
           nine digit # 954406156) (*Fig.10*)
        c. Click on the **Find Employer** - Information on employer will appear
        d. **Add Employer** - Add an Employer to the Database Entries (Done only by
           the ACWIA Team).
        e. **Business Name** - Name of the Business will appear
        f. **Coverage** Buttons -
             i. *Eligible* - When an employer has been determined to be ACWIA
                eligible the toggle button will be highlighted.
                1. If found and the employer is eligible then issue the ACWIA
                    wage.
            ii. *Not Eligible* - The employer has been determined not eligible for
                ACWIA the toggle button will be highlighted.
                1. If found and the employer is NOT eligible then issue the All
                    Industries wage.
           iii. *Pending Validation* - This button will be highlighted when an RFI
                has been sent to the employer requesting additional information to
                determine if the employer has ACWIA eligibility.
        g. **Location of Supporting Documents** - Where information can be located
           to determine eligibility on the employer.
        h. **Notes**: Information on the employer to learn how eligibility was
           determined.
        i. **Edit** - Used by the Federal Analysts (ACWIA Team)
        j. **Exit** - Click to exit this screen
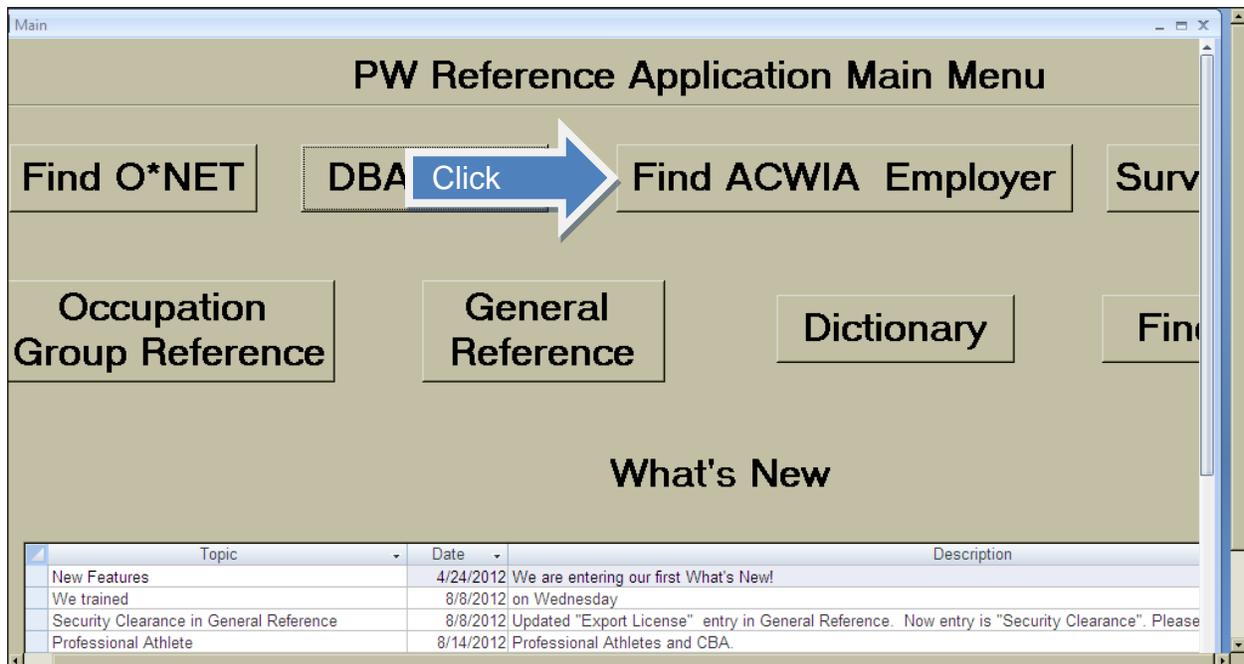
Fig.9
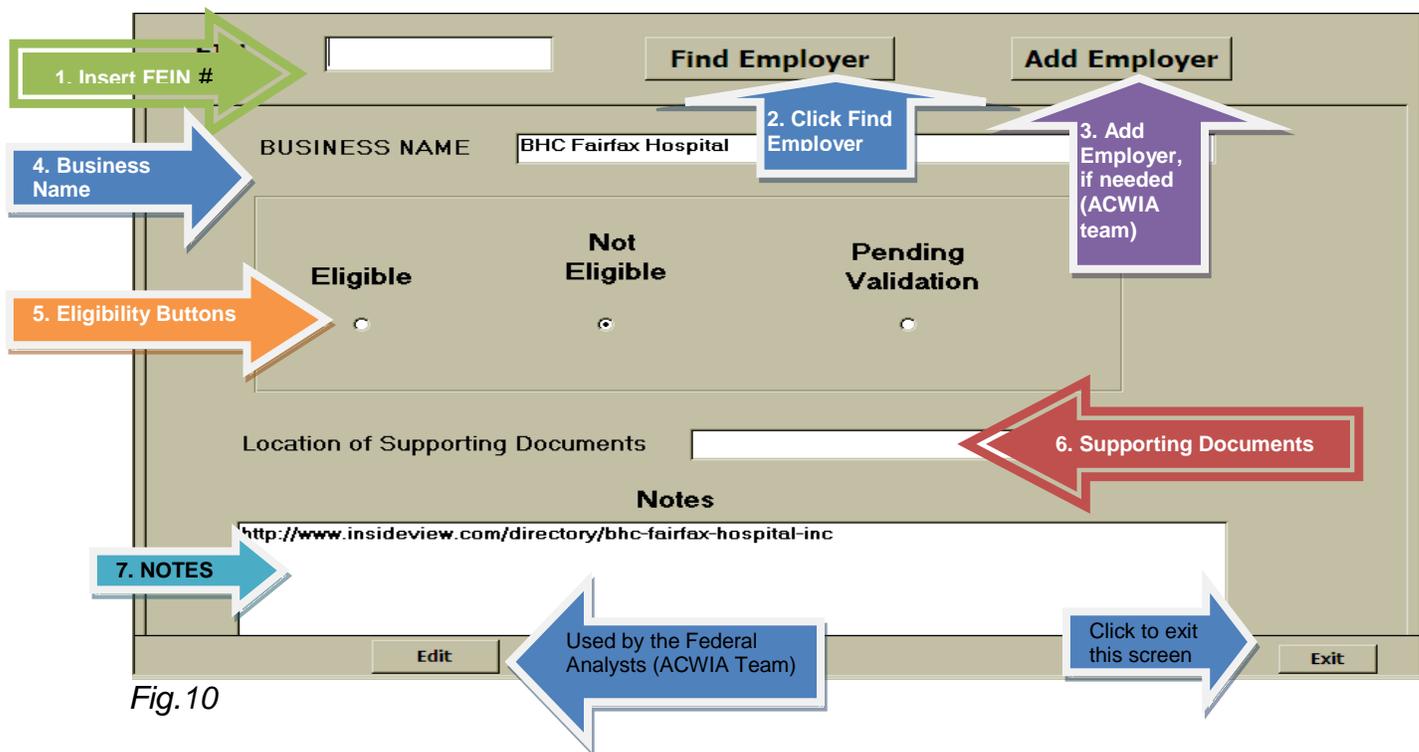
Fig.10

10

Procedure

  III.   **Occupation Group Reference** (*Fig.11*)

Feature Function: The Occupation Group Reference tool allows analysts to select any occupation group or series in order to find helpful information about that occupational profile. The purpose of this tool is basically cause and effect. For example, if the employer has this particular requirement (cause) then a special skill point will be the effect and the related note in the "Notes" section is what is supposed to be copied and/or modified if appropriate into the Additional Notes section of the 9141 or as an RFI.

      a. Click the **Occupation Group Reference** button (*Fig.11*)
      b. Select the appropriate **Occupation Group** from the drop down menu (*Fig.12*)
      c. Next select the needed **Standard Action** based on what the employer has provided
      d. Click "**Get Selection**" radio button
      e. Review material on right hand side
      f. Follow instructions in the "**Actions**" and "**Notes**" section
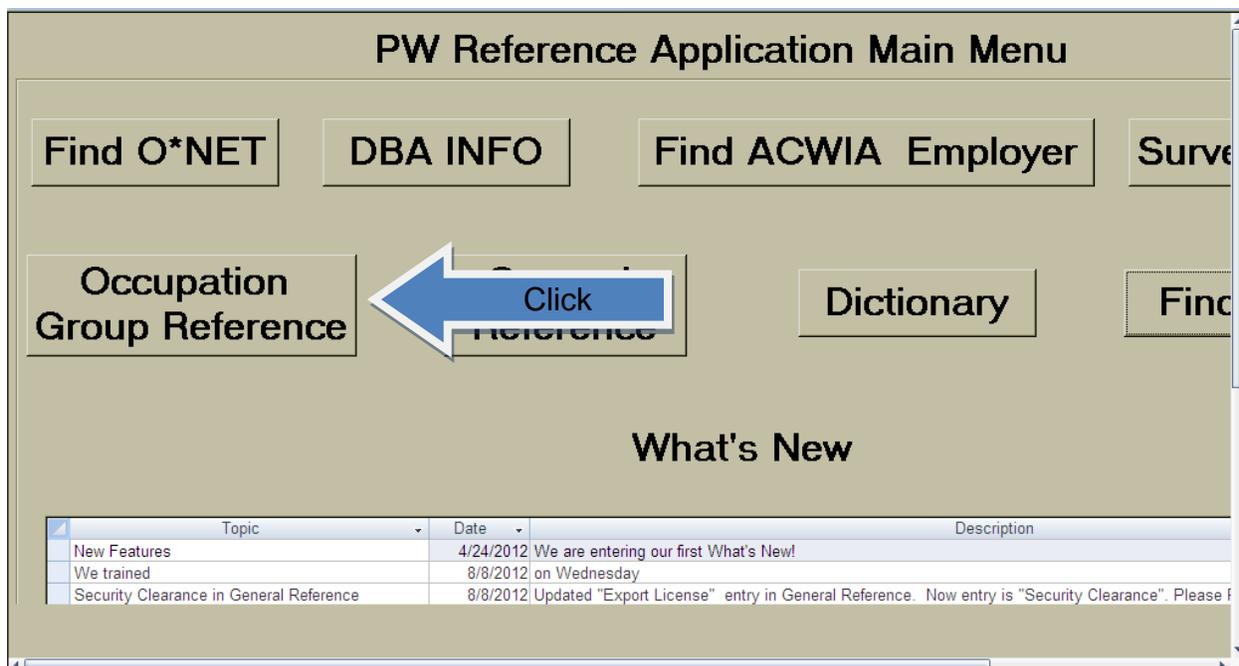
Fig.11
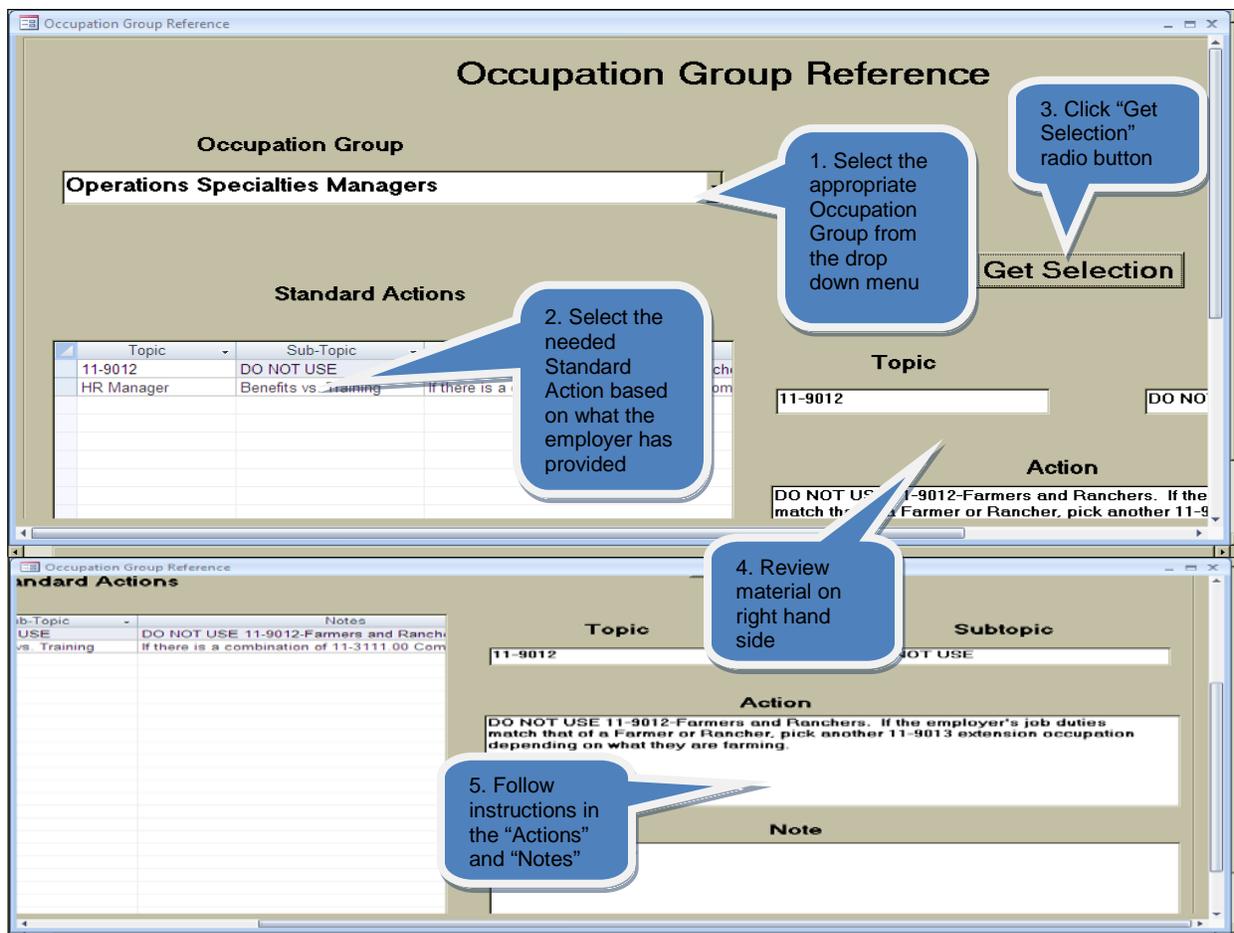
Fig.12

Procedure
 IV.   What's New(*Fig.13*)
Feature Function: Describes whatever is new in the PWR application

   a. The analyst should read the **What's New** each time they come into the
      PWRA to see if there is something they should open to see what has been
      changed or what has been added.

Fig.13

Procedure

V.   Dictionary (*Fig.14*)

Feature Function: The purpose of the Dictionary feature is to represent a reference which contains an alphabetical list of words, with information given for each word that is useful to the NPWC. So that when a word, abbreviation or acronym has a different meaning depending on the context, we may see the difference.

a. Click the **Dictionary** button (*Fig.14*)
b. Select the appropriate **Occupation group** (*Fig.15*)
c. Choose the needed **Word**
d. Click **Get Selection** button
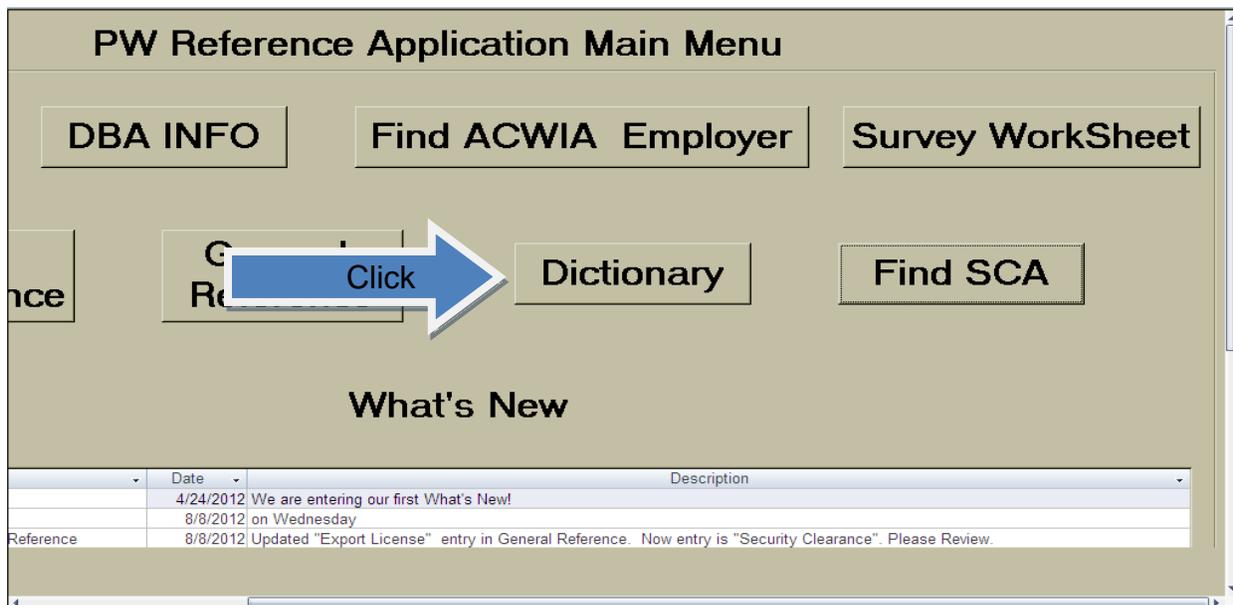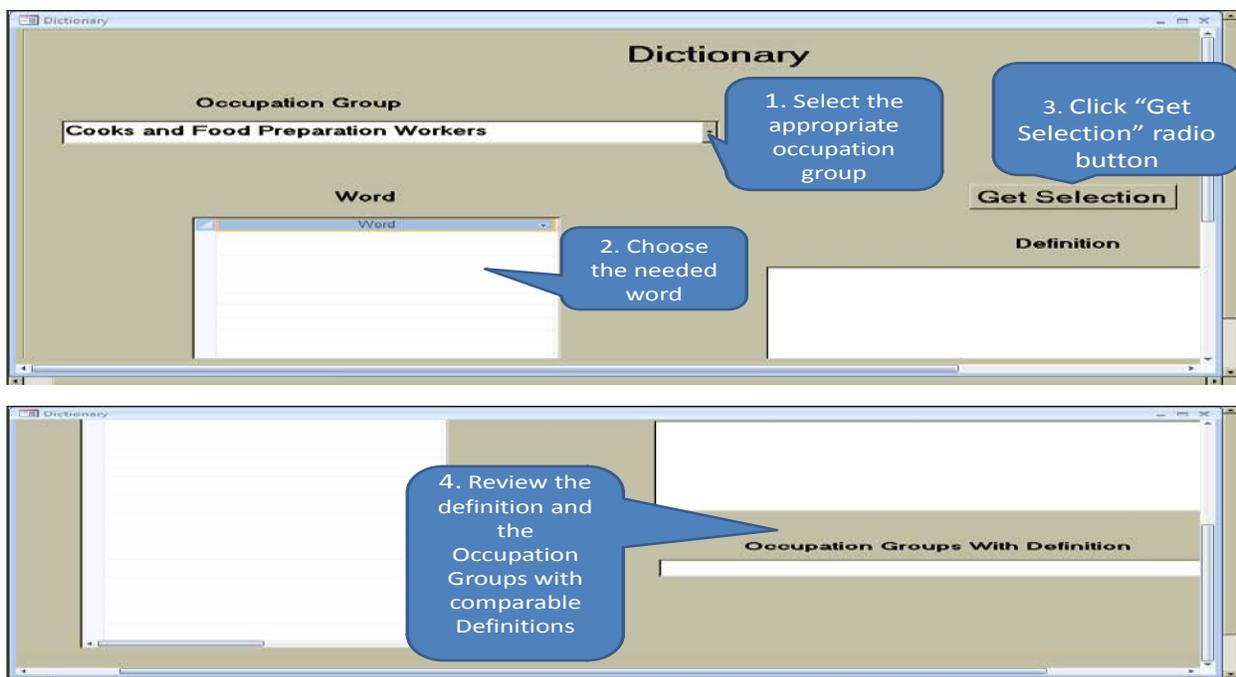e. Review the **Definition** and the **Occupation Groups With Definition**

Fig.14

Fig.15

Procedure

 VI.   General Reference (*Fig.16*)

Feature Function: This feature is used when viable or different information is obtained on a SOC code which will help analysts make a practical decision in coding and leveling on the PW 9141 Form.

14

a. Click the **General Reference** button (*Fig.16*)
b. **Standard Actions** (*Fig.17*)
   1. Select needed topic on left hand side
   2. Click "**Get Selection**" radio button
   3. Review material on right hand side
   4. Follow instructions in the **Actions** section
c. **General Items** (*Fig.18*)
   1. Select needed topic on left hand side
   2. Click **Get Selection** button
   3. Review material on right hand side
   4. Follow instructions in the **Notes** section
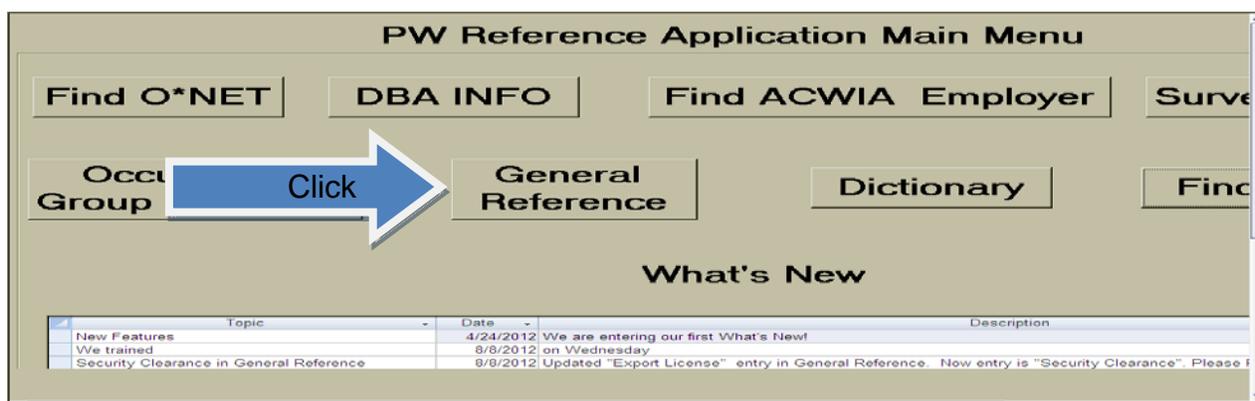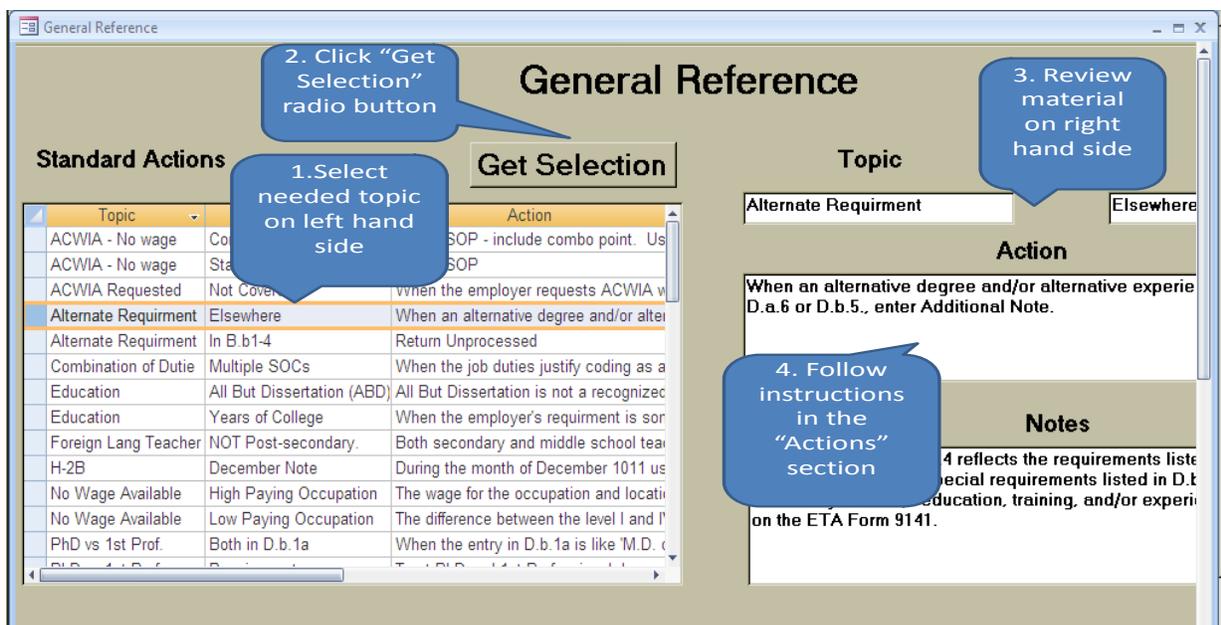   5. Click on the appropriate hyper link in the **Reference** section
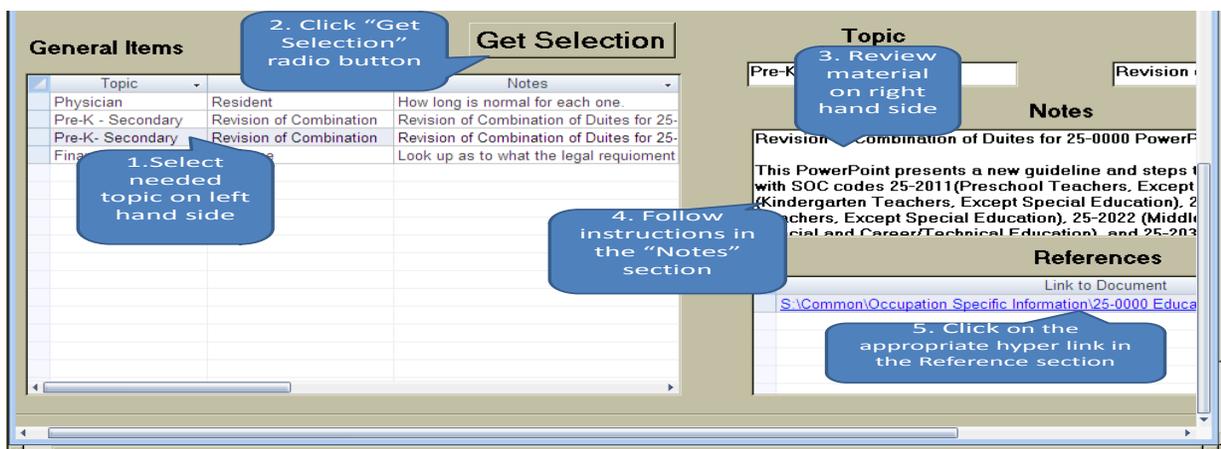

Fig.16

Fig.17

15

Fig.18

Procedure

VII.   Find SCA (*Fig.19*)

Feature Function: Used to find SCA cross walk codes that are comparable to O*NET SOC codes.

a. Click the **Find SCA** button (*Fig.19*)
b. **SCA Code**: enter five digit code (*Fig.20*)
c. **SCA Title**: Name of Occupation
d. **Occupational Base**: SCA Code Description of duties used when there is more than one level in an SCA occupation; common duties are listed here with specifics that distinguish the levels in the Description entry.
e. **Description**: O*NET Job Description for SOC CODE
f. **SOC Code**: Six Digit code (43-3031.00)
g. **SOC Title**: Bookkeeping, Accounting, and Auditing Clerks (*Fig.21*)
h. **Key Usage Info** - Contains information that adds to SCA Description, rather than repeating what is there, to use occupation.
i. **Key Related Info** - Contains information that tells key indicators to consider a related SCA occupation.
j. **General** - This should contain information specific to the occupation such as situations where the SCA occupation cannot be used such as in 08010 BRUSH/PRECOMMERCIAL THINNER; an entry should be "This is not an appropriate occupation for utility rights of way clearing".
k. **Edit** - Used to update occupation information
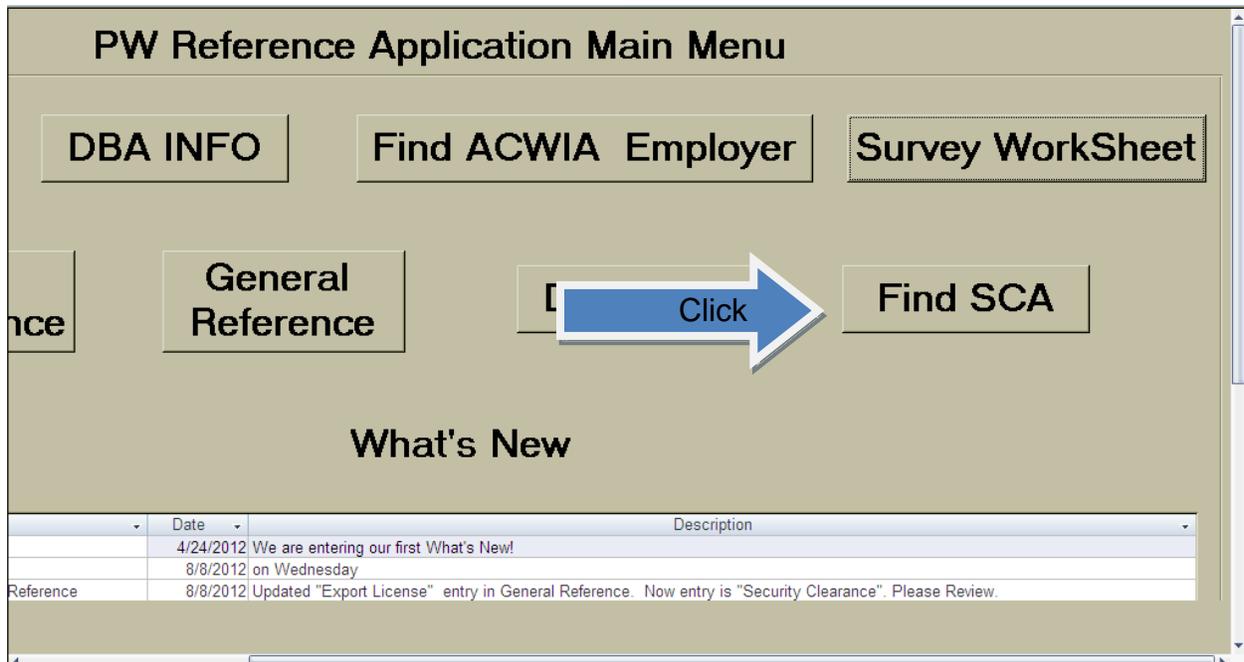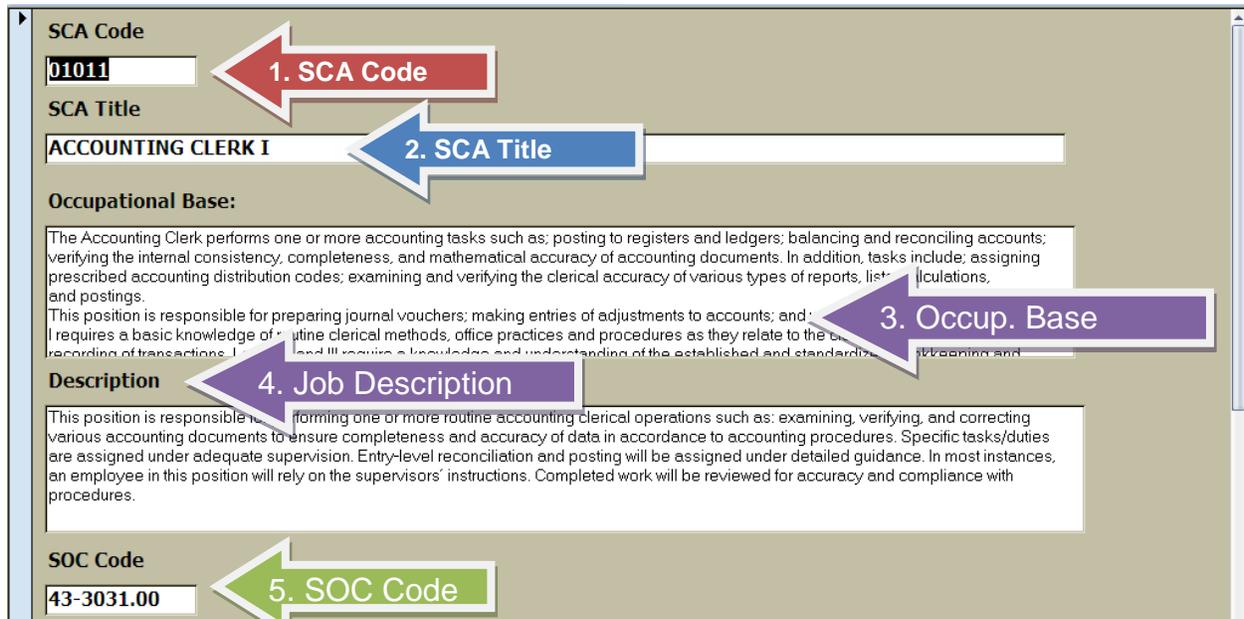l. **Exit -** click to exit the screen (*Fig.21*)

16

PW Reference Application Main Menu

DBA INFO | Find ACWIA Employer | Survey WorkSheet

General Reference | Click → Find SCA

What's New

	Date	Description
	4/24/2012	We are entering our first What's New!
	8/8/2012	on Wednesday
Reference	8/8/2012	Updated "Export License" entry in General Reference. Now entry is "Security Clearance". Please Review.

Fig.19

SCA Code

01011 ← 1. SCA Code

SCA Title

ACCOUNTING CLERK I ← 2. SCA Title

Occupational Base:

The Accounting Clerk performs one or more accounting tasks such as; posting to registers and ledgers; balancing and reconciling accounts; verifying the internal consistency, completeness, and mathematical accuracy of accounting documents. In addition, tasks include; assigning prescribed accounting distribution codes; examining and verifying the clerical accuracy of various types of reports, lists, calculations, and postings.
This position is responsible for preparing journal vouchers; making entries of adjustments to accounts; and ← 3. Occup. Base
I requires a basic knowledge of routine clerical methods, office practices and procedures as they relate to the recording of transactions. II and III require a knowledge and understanding of the established and standardized bookkeeping and

Description ← 4. Job Description

This position is responsible for performing one or more routine accounting clerical operations such as: examining, verifying, and correcting various accounting documents to ensure completeness and accuracy of data in accordance to accounting procedures. Specific tasks/duties are assigned under adequate supervision. Entry-level reconciliation and posting will be assigned under detailed guidance. In most instances, an employee in this position will rely on the supervisors' instructions. Completed work will be reviewed for accuracy and compliance with procedures.

SOC Code

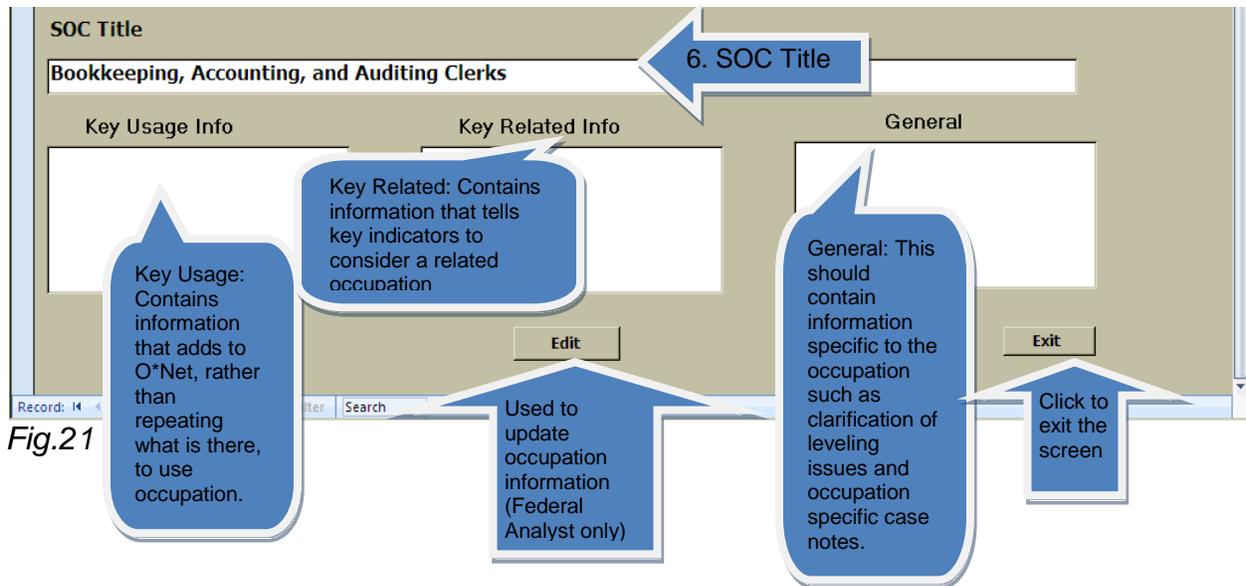43-3031.00 ← 5. SOC Code

Fig.20

17

Fig.21

Procedure

VIII. **Survey Worksheet** (*Fig.22*)

Feature Function: Employer Provided Survey – Check Sheet for when an employer provides a survey **(FUNCTION NOT USED)** (*Fig.22 and 23*)
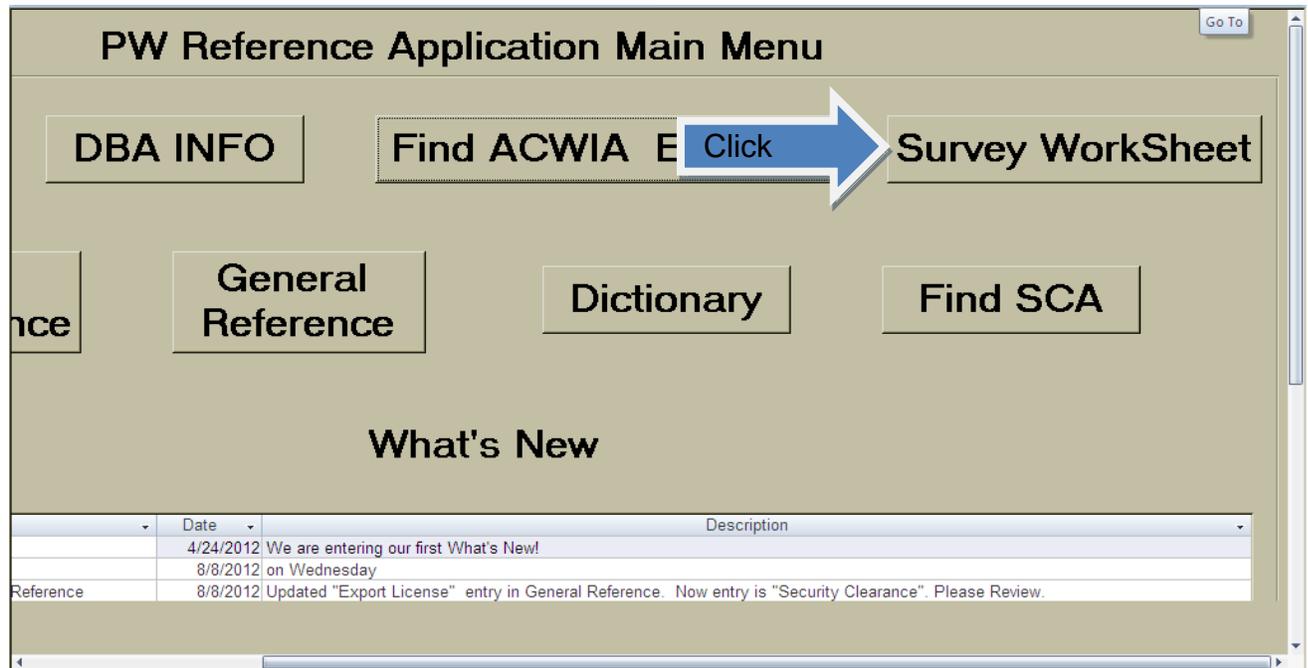

Fig.22

18

OFLC Internal Use Only

Fig.23

Procedure

IX.   DBA INFO (*Fig.24*)
Feature Function: Davis Bacon Survey Information

a. Click on the **DBA INFO** button (*Fig.24*)
b. This feature was used during the **New Rule Effect** – currently not used
c. Used to determine the Mean Wages (*Fig.25*)

Fig.24

19

Fig.25

PART II - Overview for federal staff only – "How to Enter"
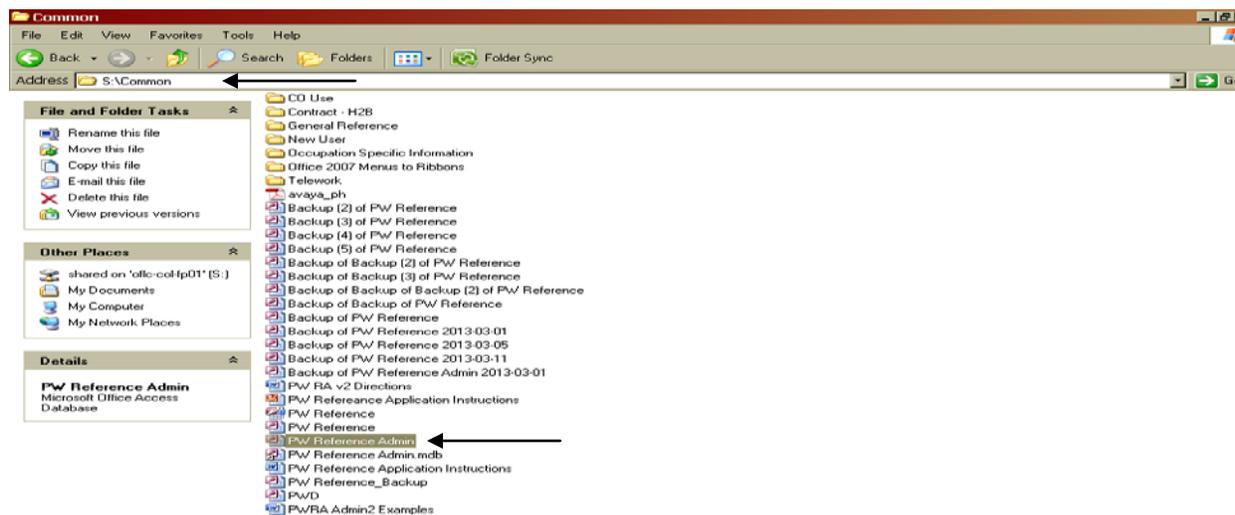
Fig.26a (S:\Common\PW Reference Admin)
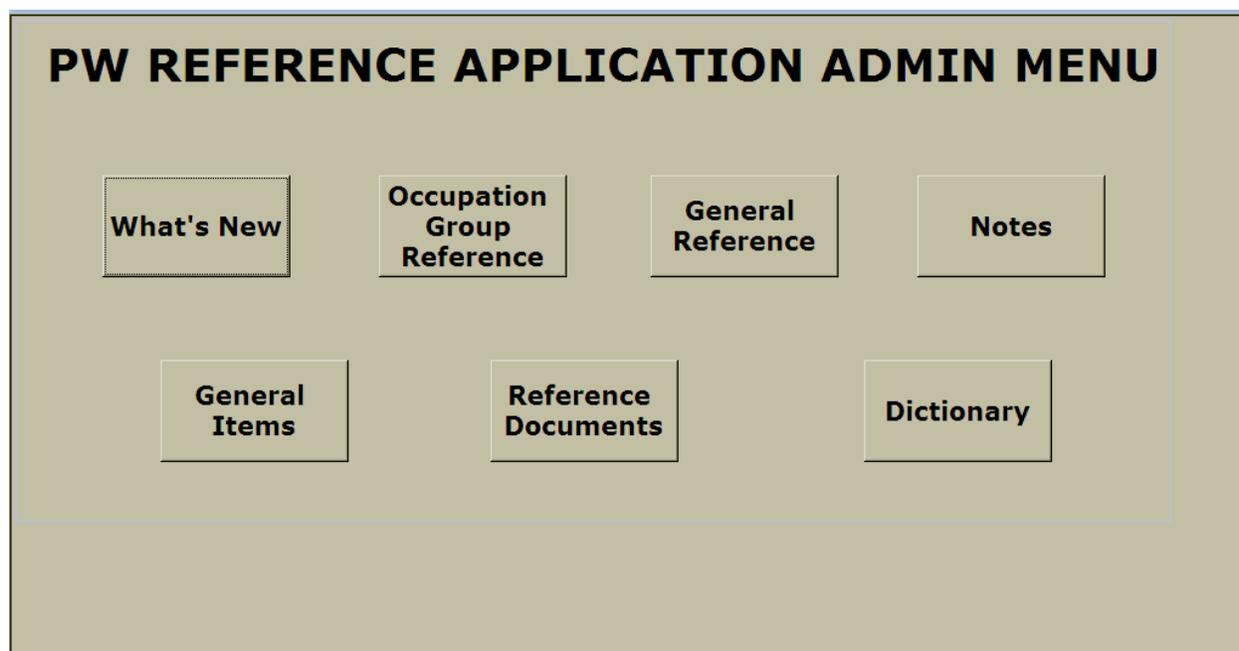
Fig.26b (PW Reference Application Admin Menu screen)

- **IMPORTANT:** When entering information in the "NOTES", "GENERAL REFERENCE", and "OCCUPATION GROUP REFERENCE" sections, please start with "NOTES" section; because this initial entry will produce a subsequent entry into the "GENERAL REFERENCE" and "OCCUPATION GROUP REFERENCE" drop down menus and will be available for use if the analyst so chooses (please see below).

21

- **IMPORTANT:** When entering information in the "REFERENCE DOCUMENTS" and "GENERAL ITEMS" sections please start with the "REFERENCE DOCUMENTS" section; because this initial entry will produce a subsequent entry into the "GENERAL ITEMS" " drop down menu and will be available for use if the analyst so chooses (please see below).
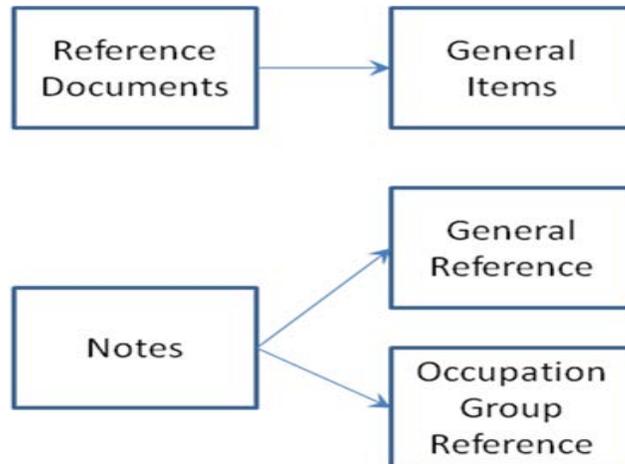
Procedure

I.   **What's New** (*Fig.27*)

Feature Function: The purpose of this feature is to let fellow analysts know of any updates in regards to their SME/occupation area.

a.   Click on the "**What's New**" button to enter updates or policy changes regarding your particular SME area (*Fig.27*). Use this to also delete an unwanted feature.
b.   Under the **Topic** heading, enter the desired subject of the new feature (Fig.28)
c.   Under the **Date** heading, enter the date when the new feature was made (x/xx/xxxx)
d.   Under the **Description** heading, enter the actual content of the new feature
e.   The newly entered information will automatically appear in the "**What's New**" box used by both Federal and contract analysts (*Fig.29*)
f.   The analyst must **close-out** the screen in order for the auto-save feature to take effect

22

Who enters this information?	Federal analysts
What needs to be entered?	Topic, Date, and Description information
When does it need to be entered?	When there is any change to the Reference App. (policy or procedure changes, SME area updates, trends, inconsistency in determinations, or circumstances not inherent to the occupation etc…)
Where does it need to be entered?	PW Reference Application Admin Menu – **What's New** button (S:\Common\PW Reference Admin)
Why does it need to be entered?	To assist the analyst and reviewers in order to make qualified and consistent prevailing wage reviews and recommendations.

How does an analyst determine when to make a new entry?	If an analyst or reviewer notices criteria of a SOC Code that would increase the leveling or change the leveling of a SOC Code due to overlapping job duties or special skills areas in more than one SOC Code, entries should then be inputted into this area.
	• **Topic** – should be the main subject of the summary or synopsis
	• **Date** – when the entry was made
	• **Description** – the analyst should write a brief summary about the subject at hand
	    o Present the main idea or topic sentence (what happened)
	    o Add details (most important details about what changed)
	    o And where to find it

Example

Topic	Date	Description
Athletic Trainers and Certification	03/11/2013	• According to the BLS OOH, nearly all states require Athletic Trainers to be certified. Additionally, an independent Board of Certification, Inc. (BOC) offers the standard certification examination that most states use for licensure. Certification generally requires passing the BOC exam, adhering to BOC Standards of Practice and taking continuing education courses. Athletic trainers are required to graduate from a CAATE (Commission on Accreditation of Athletic Training Education)-accredited program before taking the BOC exam. Further, most states require athletic trainers to be licensed; however, the licensure requirements vary by state. The requirements in most states include graduating from an accredited athletic training program and passing either the BOC exam or a state exam. • At the following website, http://www.bocatc.org/index.php?option=com_content&view=article&id=92&Itemid=144, it shows that New Jersey is

23

		a state that requires licensure.
		• The Personal Training Certification requirement on the application does not warrant a special skills point.

Fig.27

Fig.28

Fig.29

Procedure

II.   **Occupation Group Reference** (*Fig.30*)

Feature Function: The purpose of this feature is to let fellow analysts know of any relevant facts in regards to a particular occupation either by group or series.

- **For specialized entries**
- **Please Note:** Make sure all information has been verified by a supervisor or SME before entering information into the Prevailing Wage Reference Application (PWRA).
- **Please** make sure the note or entry is available in the "Notes" section before proceeding, if not, please add
- **Update What's New**

---

    a. Click on the **Occupation Group Reference** button to enter relevant facts in regards to a particular occupation either by group or series (*Fig.30*)

    b. Occupational Group will appear. Scroll to the bottom of the page until you see a blank field (*Fig.31*)

    c. Click on the drop down bar and select the Occupation Group (*Fig.32*)

    d. Fill in the each category(s) i.e., Occupation Group, Topic, Subtopic, Action, SDN-Topic, SDN - Subtopic (*Fig.33*)

    e. The analyst must **close-out** the screen in order for the auto-save feature to take effect

    f. **Update What's New**

Who enters this information?	Federal analysts
What needs to be entered?	Occupation Group, Topic, Subtopic, Action, SDN -Topic,SDN-Subtopic
When does it need to be entered?	• Entry/entries should be made into the Occupational Group when research has been done by the Program Analysts on a particular SOC Code, and discovers new information or a trend occurring on a particular SOC Code or Occupation Group. • Data should also be entered when the information affects one or more Occupational Groups entry (ies). • Used for specialized entries • Policy or procedure changes, SME area updates, trends, inconsistency in determinations, or circumstances not inherent to the occupation, etc…
Where does it need to be entered?	PW Reference Application Admin Menu - **Occupation Group Reference** button (S:\Common\PW Reference Admin)
Why does it need to be entered?	If an analyst or reviewer notices criteria of a SOC Code that would increase the leveling or change the leveling of a SOC Code due to overlapping job duties in more than one SOC Code, entries should then be inputted into this area. The information should communicate that there is more than one SOC Code which could be considered. Please see example # 1 above: "Please see notes under 15-2000 Series, if job duties fall between Computer Systems Analyst and Operations Research Analyst".
How does an analyst determine when to make a new entry?	If an analyst or reviewer notices criteria of a SOC Code that would increase the leveling or change the leveling of a SOC Code due to overlapping job duties or special skills areas in more than one SOC Code, entries should then be inputted into this area. • **Occupation Group**: Select appropriate occupational group • **Topic**: should be the main subject of the Action item • **Sub Topic**: one of the divisions into which a main topic may be divided • **Action**: the causation of change by factors within the application • **SDN-Topic**: Drop-down menu of choices for formal written diplomatic or official communication from the NPWC to the employer; usually placed in the external notes section • **SDN-Subtopic**: one of the divisions under the Topic

Examples

Occupation Group	Topic	Subtopic	Action	SDN-Topic	SDN-Subtopic
Ex.#1 Computer and Mathematical Occupations	Operation Research Analyst (ORA)	Selecting the correct SOC Code	Please see notes under 15-2000 Series, if job duties fall between Computer Systems Analyst and Operations Research Analyst		
Ex.#2 Health Technologists and Technicians	Nurses	No License Indicated on 9141	When the employer does not indicate on the 9141 form a license is required for the following SOC's, take the actions listed below:29-1111 - Registered Nurses (License required add a special skill points) 29-2061- Licensed Practical and Licensed Vocational Nurses (License required: add a special skills point)		

Example

**If additional documentation is not needed make an entry as follows:

- **Topic** - No Occupation
- **Subtopic** - Specific action
- **Action** - as of (enter date as MM/DD/YYYY)

OFLC Internal Use Only

Fig.30

Fig.31

28

Fig.32

Fig.33

Procedure

III. **General Reference** (*Fig.34*)

    Feature Function: Entry/entries should be made into the General Reference when viable or different information is obtained on a SOC code which will help make a practical decision in coding and leveling on the PW 9141 Form. This entry should be verified by the Program Analyst. Once this information has been verified it should also be entered by the Subject Matter Expert (SME).

> - **For cross-occupational entries**
> - **Please Note:** Make sure all information has been verified by a supervisor or SME before entering information into the Prevailing Wage Reference Application (PWRA).
> - **Please** make sure the note or entry is available in the "Notes" section before proceeding, if not, please add
> - **Update What's New**

    a. Click on the **General Reference** button (*Fig.34*)
    b. The General Group will appear. Scroll to the bottom of the page until you see a blank field (*Fig.35*)
    c. Fill in the each category(s) e.g., Topic, Subtopic, Action, SDN - Topic, SDN - Subtopic (*Fig.36*)
    d. The analyst must **close-out** the screen in order for the auto-save feature to take effect
    e. **Update What's New**

Who enters this information?	Federal analysts
What needs to be entered?	Topic, Subtopic, Action, SDN – Topic, SDN-Subtopic
When does it need to be entered?	• Entry/entries should be made into the General Reference when viable or different information is obtained on a SOC code which will help make a practical decision in coding and leveling on the PW 9141 Form. This entry should be verified by the Program Analyst. Once this information has been verified it should also be entered. • Supposed use when the analyst has to input cross-reference entries • Policy or procedure changes, SME area updates, trends, inconsistency in determinations, or circumstances not inherent to the occupation, etc…
Where does it need to be entered?	PW Reference Application Admin Menu – **General Reference** button (S:\Common\PW Reference Admin)
Why does it need to be entered?	To assist the analyst and reviewers in order to make qualified and consistent prevailing wage reviews and

	recommendations.
How does an analyst determine when to make a new entry?	If an analyst or reviewer notices criteria of a SOC Code that would increase the leveling or change the leveling of a SOC Code due to overlapping job duties or special skills areas in more than one SOC Code, entries should then be inputted into this area. • Occupation Group: Select appropriate occupational group • Topic: should be the main subject of the Action item • Sub Topic: one of the divisions into which a main topic may be divided • Action: the causation of change by factors within the application • SDN-Topic: Drop-down menu of choices for formal written diplomatic or official communication from the NPWC to the employer; usually placed in the external notes section • SDN-Subtopic: one of the divisions of the communication

Example

- **Topic** – Various Worksites
- **Subtopic** – Not in additional location
- **Action** – Add the information: When unspecified worksites or travel is listed in fields other than D.c.7a, enter the Additional Note
- **SDN Topic** - Various Worksites
- **SDN Subtopic** - Not in additional location

Fig.34

31

PW REFERENCE ADMIN

Home

General Reference

pic	Subtopic	Action	SDN - Topic	SDN-Subtopic
us Worksites	D.c.7 =YES & D.c.7a BLANK	When there is no entry for a specific additional worksite but the form is marked with YES in D.c.7 we will treat as though various worsites are indicated elsewhere plus advise there is not an addendum.	Various Worksites	D.c.7 =YES & D.c.7a BLANK
us Worksites	Mixed & Unknown Locations	When D.c.7a lists specific locations AND unspecific locations (e.g., various unanticipated worksites), use the E.4 wage for the unspecific locations and enter the Additional Note.	Various Worksites	Additional Location
us Worksites	Not in additional location	When unspecified worksites or travel is listed in fields other than D.c.7a, enter the Additional Note.	Various Worksites	Not in additional location
tional Training	Diploma in Music	This should be listed as credential after marking training rather than education. The National Association of Schools of Music shows in the NASM Handbook 2011-12 a diploma in music is a non-degree vocational program. Each program defines its own content	None	None
e Period	Not Hour or Year	An employer may ask for a wage based upon the periods listed on page 4 of the ETA 9141. The period requested will be used unless the OES wage only lists a yearly wage (use the Addition Note inthis instance). Otherwise use the following conversions: Weekly = 40 Hours Bi-weekly = 80 Hours	Other Wage Period	OES Yearly Only
		Blank Field -Make Entries		

Fig.35

General Reference

Topic	Subtopic	Action	SDN - Topic	SDN-Subtopic
ACWIA - No wage	Combination	Follow SOP - include combo point. Use the appropriate, based upon job duties, occupation on the iCert worksheet. Do NOT use the wage occupation. Use this note ONLY when the selected occupation does not have a wage. Other wise use the normal combination	ACWIA - No wage	Combination
ACWIA - No wage	Standard	Follow SOP Use the appropriate, based upon job duties, occupation on the iCert worksheet. Do NOT use the wage occupation.	ACWIA - No wage	Standard
A... ...uested	Not Co...	When the employe... ACWIA wage but we deem not covered then we ... in a note.	...quested	...vered
Al... ...quirement	Elsewh...	When an alternativ... and/or alternative experience requirement is liste... or D.b.5., enter Additional Note.	...equirement	...ere
Al... ...quirement	In B.b1	Return Unprocess...	...equirement	...-4
C... ...of Dutie	Multiple...	When the job dutie... ...ding as a combination of two or more SOCs then: 1) Evaluate the wa... r each occupation based upon the norms for that o...) and one skill point for each additional occupati... 2) Assign the occupa... ...on with the highest wage.	...Duties	...e SOCs
Education	All But Dissertation (ADD)	All But Dissertation is not a recognized degree. The employer may provide this in the Special Requirements section but not in the education. Return Unprocessed or RFI as appropriate.	Education	All But Dissertation

Fig.36

32

Procedure

IV.   **General Items** (*Fig.37*)

Feature Function: The purpose of the **General Items** is to give the analyst a straightforward method to link to documents with more information than will reasonably fit elsewhere in the PWRA.

- **Please Note:** Make sure all information has been verified by a supervisor or SME before entering information into the Prevailing Wage Reference Application (PWRA).
- **Please** make sure an entry is available in the "Reference Documents" section, if not, please add
- **Update What's New**

---

a. Click on the **General Items** button (*Fig.37*)
b. The General Items group will appear. Scroll to the bottom of the page until you see a blank field (*Fig.38*)
c. Fill in the each category(s) e.g., Topic, Subtopic, Notes, Reference Documents (*Fig.39*)
d. The analyst must **close-out** the screen in order for the auto-save feature to take effect
e. **Update What's New**

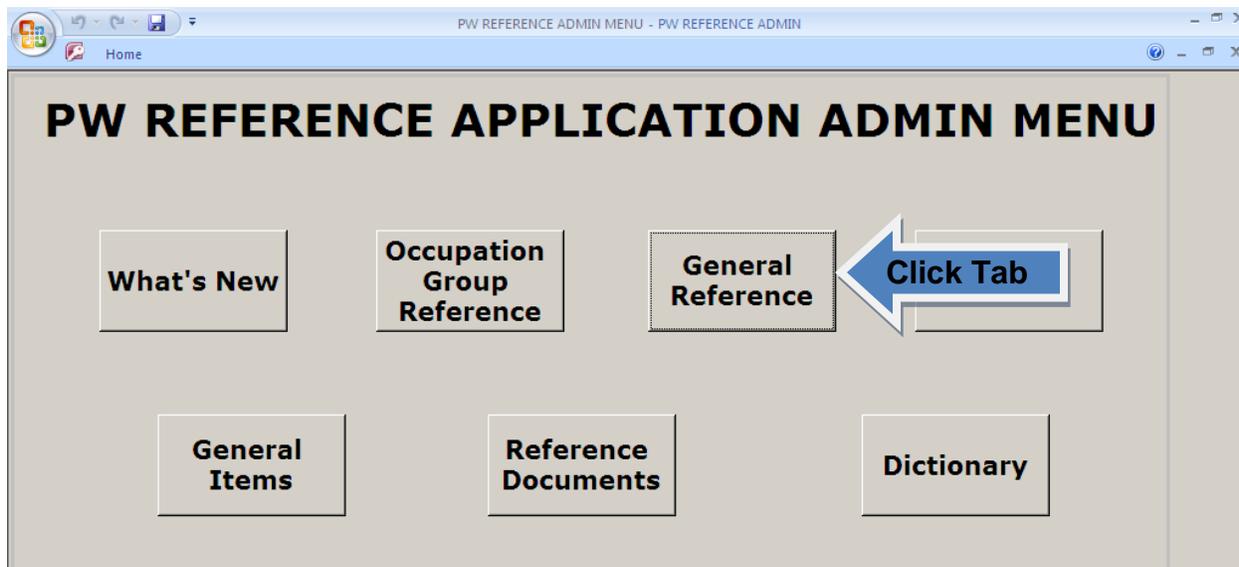|	
Who enters this information?	Federal analysts
What needs to be entered?	Topic, Subtopic, Notes, Reference Doc
When does it need to be entered?	• Entry/entries should be made into the General Items when viable or different information is obtained on a SOC code which will help make a practical decision in coding and leveling on the PW 9141 form. This entry should be verified by the Program Analyst. Once this information has been verified, it should be entered into the database application. • Policy or procedure changes, SME area updates, trends, inconsistency in determinations, or circumstances not inherent to the occupation, etc…
Where does it need to be entered?	PW Reference Application Admin Menu – **General Items** button (S:\Common\PW Reference Admin)
Why does it need to be entered?	To assist the analyst and reviewers in order to make qualified and consistent prevailing wage reviews and recommendations.
How does an analyst determine when to make a new entry?	If an analyst or reviewer notices criteria of a SOC Code that would increase the leveling or change the leveling of a SOC Code due to overlapping job duties or special skills areas in more than one SOC Code, entries should then be inputted into this area.

	- Topic: should be the main subject of the Action item - Sub Topic: one of the divisions into which a main topic may be divided - Notes: the causation of change by factors within the application - Reference Doc: Location heading of the document

Example

- **Topic** – Pre-K – Secondary
- **Subtopic** – Revision of Combination
- **Notes** – Add the information - Revision of Combination of Duties for 25-0000 Document: This document presents a new guideline and steps to process combinations with SOC codes 25-2011(Preschool Teachers, Except Special Education), 25-2012 (Kindergarten Teachers, Except Special Education), 25-2021 (Elementary School Teachers, Except Special Education), 25-2022 (Middle School Teachers, Except Special and Career/Technical Education), and 25-2031 (Secondary School Teachers, Except Special and Career/Technical Education).
- **Reference Doc** – 25-0000 Combination Revision (drop down menu)

Fig.37

34

Fig.38

Fig.39

Procedure
  V.   **Dictionary** (*Fig.40*)
Feature Function: The purpose of the Dictionary feature is to represent a reference which contains an alphabetical list of words, with information given for each word that is useful to the NPWC. So that when a word, abbreviation or acronym has a different meaning depending on the context, we may see the difference. This feature is to be filled in by the occupation group or groups if appropriate.

   a. Click on the **Dictionary** button to enter a word, abbreviation or acronym (*Fig.40*)
   b. Under the **Occupation Group** heading, select the appropriate group or series needed (*Fig.41*)
   c. Under the **Word** heading, enter the appropriate word, abbreviation or acronym for the selected group or series.
   d. Under the **Definition** heading, enter the actual content of the new word, abbreviation or acronym
   e. The analyst must **close-out** the screen in order for the auto-save feature to take effect

Who enters this information?	Federal analysts
What needs to be entered?	Occupation group, Word, and Definition
When does it need to be entered?	When a word, abbreviation or acronym has a different meaning depending on the context, we may see the difference
Where does it need to be entered?	PW Reference Application Admin Menu – **Dictionary** button (S:\Common\PW Reference Admin)
Why does it need to be entered?	To assist the analyst and reviewers in order to make qualified and consistent prevailing wage reviews and recommendations.
How does it need to be entered?	By following the steps outlined in this SOP

Example

Occupation Group	**Word**	**Definition**
Business and Financial Operations Occupations	CPI	Consumer Price Index, a measure of the cost of goods and services at the consumer, rather than wholesale or producer, level.

PW REFERENCE APPLICATION ADMIN MENU

What's New	Occupation Group Reference	General Reference	Notes

General Items	Reference Document	Dictionary

Click →

Fig.40

Occupation Group	Word	Defintion
Computer Occupations	Cascading Style Sheets	is a style sheet language used to describe the presentation semantics (the look and formatting) of a document written in a markup language. Its most common application is to style web pages written in HTML and XHTML, but the language can also be applied to any kind of XML document, including SVG and XUL.

1. Select the appropriate group or series needed

2. Enter the appropriate word, abbreviation or acronym for the selected group or series

3. Enter the actual content of the new word, abbreviation or acronym

Occupation Group	Word	Defintion
Computer and Mathematical Occupations	[GUI]	often pronounced a type of user interface that allows users to interact with proc accept input via devices such as computer keyboard and mouse and provide articulated graphical output on the computer monitor. There are at least two different principles widely used in GUI design: Object-oriented user interfaces (OOUIs) and application oriented interfaces
Computer Occupations	Internet Information Services	formerly called Internet Information Server ‖ is a web server application and set of feature extension modules created by Microsoft for use with Microsoft Windows.
Computer Occupations	[IIS]	formerly called Internet Information Server ‖ is a web server application and set of feature extension modules created by Microsoft for use with Microsoft Windows.
Computer Occupations	jQuery	is a cross-browser JavaScript library designed to simplify the client-side scripting of HTML. jQuery's syntax is designed to make it easier to navigate

Fig.41

Procedure

VI.   **Find O*Net** (*Fig.42*)

Feature Function: Make entry/entries into the Find O*Net when new information or a trend occurs on a particular SOC Code.

    a. Click on the "**Find O*NET**" button to edit (*Fig.42)*

    b. Enter the SOC that needs to be updated (*Fig.43)*

    c. Click the **Find Occupation** button

    d. Click **Edit**

    e. Update needed information (see below- How to make entry/entries* - *Fig.45, 46 and 47*):

    f. Click **Save and Exit** (*Fig.44)*

    g. **Update What's New**
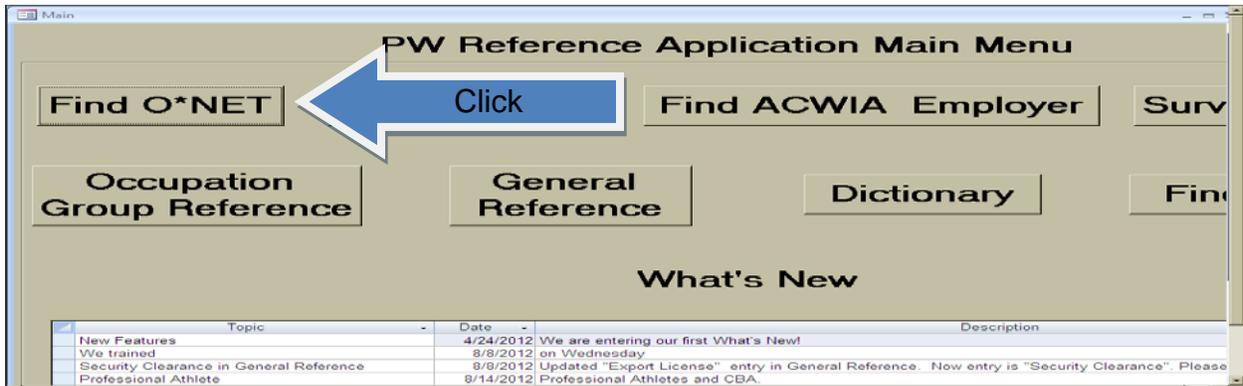
Fig.42
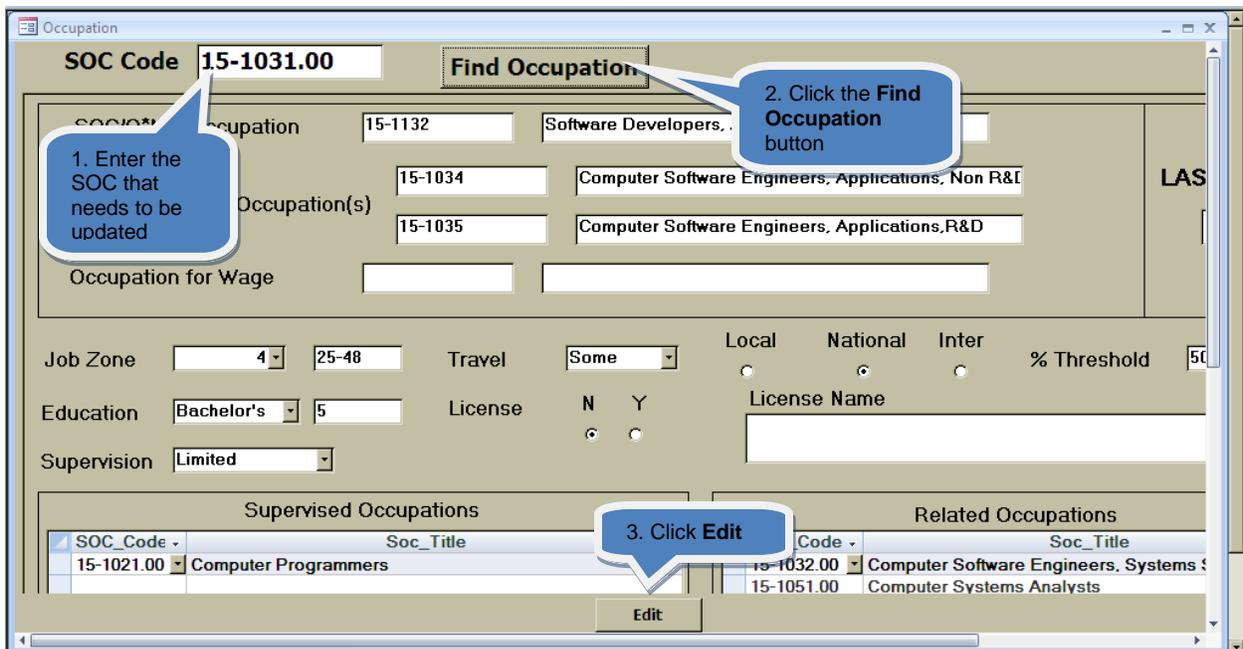
Fig.43
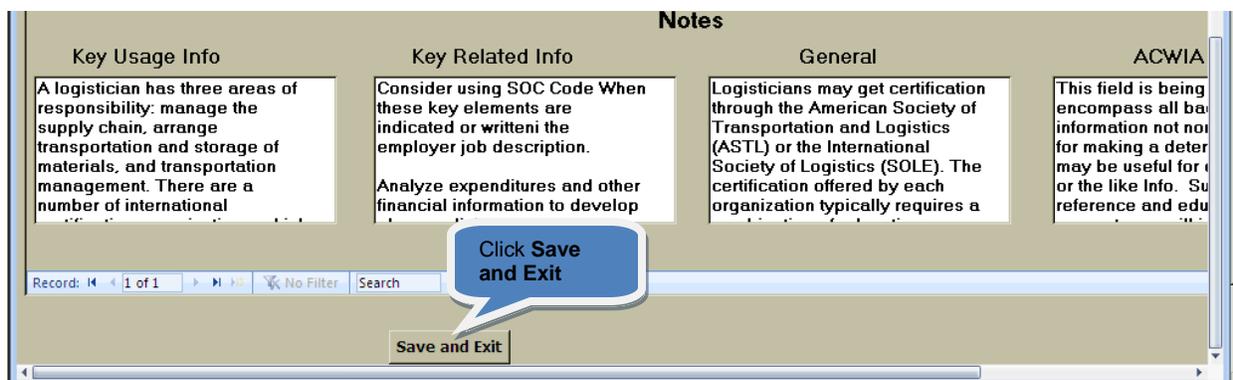
Fig.44

HOW TO MAKE ENTRY/ENTRIES – OVERVIEW*

1. Making entry/entries into the Prevailing Wage Reference Application (PWRA-Find O*Net).
    a. When new information or a trend occurs on a particular SOC Code
    b. Research should be done by the analyst on that particular SOC code.
2. Once the research has been done the analyst should gather the relevant information and forward this information to the Subject Matter Expert (SME) that covers that occupation area **(in writing).**
3. The SME should then verify the information given by the analyst and any other parallel information for verification.
4. All information should then be forwarded to the Supervisor for approval**. Note** ** (All inquires to the Supervisor should be in writing in order to maintain a proper paper trail).**
5. Once the information has been approved by the Supervisor the SME should make entry/entries into PWRA (Find O*Net-edit) within a one to two day time frame. If needed as soon as possible. **Note** ** (**If the Supervisor is not available the SME for the area will have to make the decision.)**
6. Make a folder on **S:\Common\Occupation Specific Information\ (name of folder)**; copy and paste all information pertaining to that particular SOC Code into this folder.

MAKING OCCUPATION SPECIFIC ENTRIES*

1. When making an entry or entries into the PWRA - Find O*Net Key Usage Information, Key Related Information, General and ACWIA categories they should contain the following information (*Fig.45 and 46*):
    a. **Key Usage Information**: this should contain information that adds to O*NET, rather than repeating what has already been written in O*NET.
    b. **Key Related Information**: this should contain information that indicates key indicators to consider a related occupation.
        i. When making an entry in this field, the analyst should take note that each of the Related Occupations in the section above

39

should have an entry beginning on its own line with one blank line in between a previous entry. Hence, the first line will just be the SOC code and each indicator will start with a bullet and get its own line. For example:

1. 15-1032
   - write compilers
   - write drivers

2. 15-1021
   - only assist in design
   - only test own code

c. **General**: this should contain information specific to the occupation such as clarification of leveling issues and occupation specific case notes.

d. **ACWIA**: This field is being changed to encompass all background information not normally needed for making a determination but may be useful for redetermination or the like Info. Such as license reference and education percentages will in this particular field. See the samples listed below.

Key Usage Info	Key Related Info	General	ACWIA
Contains information that adds to O*NET, rather than repeating what has already been written in O*NET.	Contains information that indicates key indicators to consider a related occupation.	This contains information specific to the occupation such as clarification of leveling issues and occupation specific case notes.	This field is being c encompass all bac information not norr for making a detern may be useful for d or the like Info. Suc reference and educ

Record: 14 4 1 of 1 ▶ ▶| No Filter Search

Save and Exit

Fig.45

Example
SOC CODE – 13- 1081.00 LOGISTICIAN
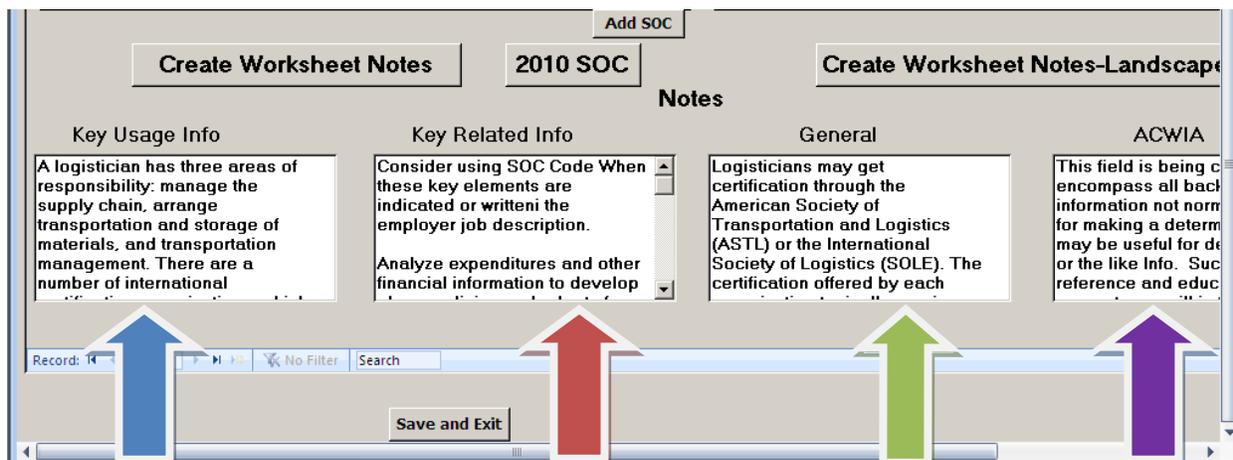
Fig.46

Key Usage Info. - Example:
A logistician has three areas of responsibility: manage the supply chain, arrange transportation and storage of materials, and transportation management. There are a number of international certification organizations, which are responsible for this professional designation.

Key Related Info. - Example:
- Consider using this SOC Code when these key elements are indicated or written in the employer job description:
    - Analyze expenditures and other financial information to develop plans, policies, or budgets for increasing profits or improving services. Set operations policies and standards, including determining safety procedures for the handling of dangerous goods.
    - Negotiate and authorize contracts with equipment and materials suppliers, and monitor contract fulfillment. Conduct investigations related matters from shipping companies

General - Example:
Logisticians may get certification through the American Society of Transportation and Logistics (ASTL) or the International Society of Logistics (SOLE). The certification offered by each organization typically requires a combination of education, experience, and passing an exam. Although it is not required, certification can demonstrate professional competence and a broad knowledge of logistics.

ACWIA – Example:
This field is being changed to encompass all background information not normally needed for making a determination but may be useful for determination or the like Info.

41

Such as license reference and education percentages will in this particular field. See the samples listed.

Fig.47

Commonly Used Acronyms/Terms:

- 9141: Prevailing Wage Form
- ACWIA: American Competitive Work Enforcement Act
- "Add Note": The note Analysts populate the worksheet checklist.
- "Additional Note": The employer will see this note.
- BALCA: Board of Alien Labor Certification of Appeals
- BLS: Bureau of Labor Statistics
- CBA: Collective Bargaining Agreement
- CO: Certifying Officer
- DBA: Davis Bacon Act
- DOT: Dictionary of Occupational Titles
- ETA: Employment and Training Administration
- ETC: Education and Training Code
- FLC: Foreign Labor Certification
- JZ: Job Zone
- LCA: Labor Condition Application
- NPWHC: National Prevailing Wage & Helpdesk Center
- NPWC: National Prevailing Wage Center
- OES: Occupation Employment Statistics
- OFLC: Office of Foreign Labor Certification
- O-Net: Occupational Search tool (for looking up SOCs)
- OWL: Online Wage Library
- PWC: Prevailing Wage Center
- PWD: Prevailing Wage Determination
- PWDR: Prevailing Wage Determination Request
- RFI: Request For more Information
- SCA: Service Contract Act
- SME: Subject Matter Expert
- SOC: Standard Occupation Classification
- SOP: Standard Operating Procedure
- SVP: Specific Vocation Preparation
- SWA: State Workforce Agency

Commonly Used Websites/References:

OWL (Online Wage Library):
http://www.flcdatacenter.com/OESWizardStart.aspx

O*Net:
http://online.onetcenter.org/

Career Info net (For looking up licenses/certifications):
http://www.careerinfonet.org/

2010-2011 Occupational Outlook Handbook:
http://www.bls.gov/oco/

Wage Determination Online (SCA Wages-H-2B):
http://www.wdol.gov/sca.aspx#0

iCERT:
http://icert.doleta.gov/index.cfm

ACWIA Reference Application:
My Computer→S:/drive→Common→ACWIA Reference (1,644 KB)

Standard Operating Procedures:
My Computer→S:/drive→Standard Operating Procedures
    Prevailing Wage Determination Procedure (via iCERT) is located in this folder.

DOL/Employment and Training Administration:
http://www.doleta.gov

44

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE EVENT LOG

PW09

Revision Date	Section Number	Comments
07MAR2013	All	Established this SOP as a replacement for the previous Analyst Guide which was replaced by the PWRA.

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE
NUMBER: PW10
EFFECTIVE DATE: Revised 26 JUN 2015 Previous Version 09 JAN 2013
SUBJECT: Prevailing Wage SOP – Federal Review and Determination

Purpose
Provide procedures for making prevailing wage reviewing recommendations and making the federal determination.

Background
The actual determination of the prevailing wage is an inherently federal function. Analyst recommendations are reviewed by a federal staff member and the determination issued.

Internal Controls
As part of the internal controls process, the NPWC produces daily and weekly productivity reports which are shared with the National Office. Such reports are used to ensure NPWC productivity is consistent with this Standard Operating Procedure.

Statutory Requirement
20 CFR 655.10
20 CFR 656.40
Non-agricultural Prevailing Wage Guidance, November 2009

Procedure

I.   Case Assignment
A. Cases will be reviewed in First In First Out (FIFO) order. Reviewers will assign cases from the unassigned queue using the Get Next Decision Review Case tab in iCERT, up to a maximum of 25 cases.
B. Special handling queues for high volume employers will be reviewed in FIFO order with designated reviewers assigning a maximum of 25 cases from the holding queue to their work queues. The Senior Analyst will coordinate assignments from the holding queue as needed.
C. H-2B cases will be reviewed in FIFO order with designated reviewers assigning cases from the production window to their working queues. The production window will be established by the Team Lead and coordinated by the Senior Analyst.
  a. In the iCert Portal under the "PW Utilities" Tab select the visa classification to indicate "H-2B;"

b. In the "Case Submitted" section of the utilities tab select the current date of processing for H-2B cases, please note, this date will be provided to the Federal Reviewer in the Daily H-2B production report;

c. In the "Status" section of the utilities tab select the "Pending CO Determination – Unassigned" option and hit the "Search" button to get the next PWDR cases currently pending CO Determination;

d. Proceed to assign the next available 25 H-2B cases for processing.

D. Upon completion of the cases initially assigned, Federal Reviewers will assign additional cases to their working queue in no more than 25 case increments. At the close of the production day, Reviewers should complete all cases in their working queues. Reviewers will report any cases remaining in their queues by 3pm daily to the Federal Supervisor and Senior Analyst for redistribution if needed.

II. Review application to see if the mandatory fields are completed.

III. Review Job Coding

A. Compare job duties to the occupational definition and O*NET reported tasks for the recommended SOC

B. Review Candidate Occupations and Coded Occupation

    1. Check Case Notes to see if the analyst identified candidate occupations

    2. Compare O*Net tasks for candidate occupations to determine if the correct occupation was chosen.

C. Select the appropriate occupation

    1. If a combination of occupations review appropriateness of the combination and if the correct occupation was chosen as the Coded Occupation

        a) If the job duties have several tasks from different but similar occupations and the tasks require significantly different skill sets then select both (only rarely will there be more than two occupations) and record reasoning in Case Notes

        b) If the job duties have tasks from non-similar different occupations the tasks will normally require significantly different skill sets and both should be selected (only rarely will there be more than two occupations) and record reasoning in Case Notes

        c) Use the OES Wage Level Procedures to determine the occupation with the higher wage for the location and wage level and code the PWD as this occupation while putting into the Additional Notes Regarding Wage Determination (E-7, page 4); also record the two wages and the wage level 'worksheet' for the non-selected occupation in the Case Notes.

    2. If the correct occupation falls within the SOC designated All Other occupations, refer to Appendix 2.

    3. To maintain consistency, Reviewers who discover an error in SOC assigned or wage level in previous determinations will follow the Code Contrary process in Appendix 1.

4. Review the selection of a Candidate Occupation where O*Net does not have data:
    a) Assign the closest occupation where data is available
    b) In the case notes, indicate the occupation that would have been used if the data were available – "<SOC, Title> would have been assigned to this position but O*Net data is not available at this time.
5. If the employer is covered by ACWIA use the appropriate R&D and Non R&D suffix; the duties and data will be from the parent occupation of the same title without the suffix
6. When an analyst or CO Reviewer finds an occupation where there is no ACWIA wage in OWL and no wage occupation in the ACWIA Reference Application, contact the ACWIA federal supervisor. See PW_07ACWIA.

IV. Review Wage Level Assigned

A. Compare the recommended wage level to the occupational norms for the SOC.

B. Verify that points assigned in the wage level worksheet are correctly transferred to the Checklist.

V. Review Recommended Wage

A. If requested wage source is a Collective Bargaining Agreement (CBA); please notify the Senior Analyst of the Non-OES Team prior to reassigning the case to the Non-OES queue. See PW15_Survey_CBA_PWDs.

B. If requested wage source is SCA/DBA; please notify the Senior Analyst of the Non-OES Team about the SCA/DBA case prior to reassigning the case to the designated Non-OES queue.

C. If requested wage source is an Employer Provided Survey; please notify the Senior Analyst of the Non-OES Team prior to reassigning the case to the Non-OES queue. See PW15_Survey_CBA_PWDs.

D. If the no other wage source is requested or if OES is explicitly requested. Confirm that the appropriate OES wage source is identified - "OES All Industries" or "OES Higher Education" wage database. To determine ACWIA status of the employer, see PW_07 ACWIA.
    1. Verify correct wage source
    2. Review wage level worksheet and additional notes to the employer.
    3. Verify wage assigned for all work sites.

VI. Complete Review

A. Enter Case Notes – use Review Notes Standard Coding reference.
    1. Correction needed to recommendation
        a) Return to analyst (RTA) using the case notes standard coding chart identifying the error and providing instructions for correction.
        b) If change is subtle then make change and send an e-mail to team leads for use in training
        c) If change is notable but approaching 60 days for PERM/LCA then make change and send e-mail to team leads and analyst
    2. RFI needed
        a) Add a case note using the case notes standard coding chart providing RFI language as appropriate

b) See PW_06_RFI.
3. Reviewer agrees with recommendation – add case note using the standard coding chart.

B. Review all entries to make sure the determination is complete – Use Reference Application
1. DSS note entered
2. Wage Level Worksheet entered
3. Correct Wage Source selected
4. Correct Wage entered
   a) Full time is annual for PERM/LCA unless requested otherwise
      (1) Week; $/h X 40 = $/wk
      (2) Bi-week; $/h X 80 = $/bw
      (3) Month
         (a) ($/yr) / 12 = $/mo
         (b) ($/h * 2080) / 12 = $/mo
      (4) Year; $/h * 2080 = $/yr
   b) Piece Rate is only available from an employer provided survey See PW_15_Survey_CBA_PWDS.
5. Additional Notes Regarding Wage Determination block properly completed
6. CO Notes entered

C. Issue determination if not returned to analyst

VII.   Refer to Appendix 1 for Coding Contrary to Previous Determinations
VIII.   Refer to Appendix 2 for use of All Other SOCs
IX. Refer to Appendix 3 for actions to take when a review case has an identical case pending redetermination

Normal Procedure		Time Saving Procedure – used only when directed.		Redetermination and CDR
Federal Review Notes Standard Coding In order to make data extraction more consistent a standard coding system is being initiated. This will allow the actual number of corrections and returns to be more accurately reported but also to categorize the reasons so corrective action can be taken to reduce the errors. When an error is discovered the Reviewer will enter a case note with the Title 'Return Notes' (also used for RFIs) or 'CO Correction' or 'CO Notes' as appropriate and a Category of 'Decision' for COs. The note itself will have on the first line the type of correction followed by the area of correction codes. Multiple corrections are separated by commas. A blank line then separates the codes from a textual description of the correction. Below is an example. Title: CO Correction		***Modification – continue to use the 5 code below when you would return to analyst but only use the Return to Analyst feature in iCert when the occupation is being changed or there are a number of worksites. For other cases where you are currently returning go ahead and make the corrections and issue the determination but use the notes process below. This should speed determinations as they will not be handled twice.***		**Redetermination Notes Standard Coding** To make data extraction more consistent, a standard coding system is being initiated. This will allow the actual number of corrections and returns to be more accurately reported but also to categorize the reasons so corrective action can be taken to reduce the errors. When preparing redeterminations, the Reviewer will enter a case note with the Title 'Redetermination – [Affirm, Modify]' as appropriate and a category of 'Redetermination.' The first line of the note will indicate the type of redetermination decision, affirm or modify, followed by the decision reason code on a new line. Multiple decision reasons are separated by commas. A blank line then separates the code(s) from a text description of the correction. Below are examples. Redetermination - Affirm Affirm 2a The employer argued the job should be coded as a 15-1031 but did clarify why this was applications rather than systems software. The job duties state 'write drivers for NICs for Linux, Windows Vista and Windows 7'. As the NIC drivers are system software the code 15-1032 is appropriate and the

| Category: Decision
Notes:
5a, 6j, 5k

The occupation should be Internist rather than Family Practitioner since the residency being required is in internal medicine. A special skill point was assigned for multiple locations when the places are just a few blocks apart. A special skill point was assigned for board certification but this is normal for the occupation. | | original determination was affirmed.

Redetermination - Modify
Modify
3a, 3j, 3k

The occupation should be Internist rather than Family Practitioner since the residency being required is in internal medicine. A special skill point was assigned for multiple locations when the places are just a few blocks apart. A special skill point was assigned for board certification but this is normal for the occupation. Therefore the determination was modified from wage level III to wage level I and the SOC was corrected. |

Federal Review Notes Standard Coding

Type of Correction			Area of Correction		Post Determination Action Reason
Code	Description		Code	Description (use with 1,5,6,7,8,9)	Description (use with 2,3)
1	RFI Post-Determination		a	SOC code selection incorrect.	SOC code selection incorrect.
2	Affirm		b	Education Points not properly assigned.	Education Points not properly assigned.
3	Modify		c	Experience Points not properly assigned.	Experience Points not properly assigned.
4	Process/Procedure Change		d	Training Points not properly assigned.	Training Points not properly assigned.
5	CO Review – Returned - Error		e	Experience and Training not combined.	Experience and Training not combined.
6	CO Review – Returned – No Fault due to the situational subjective nature of decision		f	Special Skill Points not properly assigned - general.	Special Skill Points not properly assigned - general.
			g	---	---
			h	---	---
			j	Special Skill Points not properly assigned – travel.	Special Skill Points not properly assigned – travel.
7	CO Review – RFI; job duties		k	Special Skill Points not properly assigned – certification.	Special Skill Points not properly assigned – certification.
8	CO Review – RFI; other		m	Special Skill Points not properly assigned – language.	Special Skill Points not properly assigned – language.
9	No Problems		n	Supervision Point not properly assigned.	Supervision Point not properly assigned.
			o	Additional Note incorrect.	Requesting new validity period
			p	Additional Note not entered.	Requesting modification to employer-submitted application
			q	Worksheet Note not correct or missing.	Requesting modification due to NPWC data entry error

		r	Wage wrong.	Wage wrong.
		s	ACWIA wage not used.	ACWIA wage not used.
		t	Other reason.	Survey requested but not used.
		u	Initial survey materials missing	Survey unacceptable.
		v	Additional survey materials needed	Other reason.
		x	---	Received after time limit
		y	---	---
		z	Agree with recommendation	

Appendix 1

Coding contrary to previous determination.

1) Identify the current case and all prior case(s) in question to code inconsistently.
   a. Previously issued or recommended case(s) in question can be found through DSS and Multiple Fillings tab of 9141.

2) Check with the analyst who made the original decision and the SME for the occupation to get input.

3) Write an explanation as to why your decision is appropriate and, if possible, why the previous decision is not correct.

4) Modify the write up to incorporate their comments when appropriate.

5) Populate your analysis using the format below; send an e-mail to your appropriate supervisors (Contractors as directed by your CoC; Federal analysts send to all GS-13 Team Leads and to all supervisors).

Current Case Number: **P-100-13353-204230**	Precedent Case Numbers: Highlighted case is a redetermination based on survey.	
	P-100-13178-091677	17-2072
	P-100-13256-154513	17-2072
	P-100-13192-407834	17-2072
	P-100-13204-820047	15-1133
	P-100-13294-347446	15-1133
	P-100-13298-721189	15-1133
	P-100-13308-537080	15-1121
	P-100-13198-567519	17-2072

What is in conflict between the determinations: The precedent cases were coded as 17-2072, 15-1133 and 15-1121. Some requested surveys, some did not.	
What it should be: 15-1121	What was issued: 15-1133, 17-2072 and 15-1121
An explanation of the suggested change: The job duties include designing and implementing system requirements, determining system specifications, coordinating design of subsystems and integrating the total system. The duties are a good fit to 15-1121. ONET: Develop, document and revise system design procedures, Determine computer	An explanation of why the decision was flawed: The job duties as written are a good match to 15-1121. If we can code based on the job duties, then we do have a match. The duties

software or hardware needed to set up or alter system, including coordinating the installation of computer programs and systems. The Special Requirements in E.b.5 point more towards 17-2072 and include experience in DSP, RF measurements, experience with radio chips and wireless components and semi-conductors. Two suggestions for proceeding: 1. Code as 15-1121 based on job duties and add a point for the experience requirement which is not normal to CSA. 2.Send an RFI to clarify the type of systems the employee will design. .	do not include design and development of operating systems software so 15-1133 is not a good fit. The job duties in conjunction with the special requirements could be used to justify 17-2072/1 but we would be justifying SOC selection via Special Requirements rather than job duties.

Response from the CO for the precedent case and the relevant SMEs: I conferred with the precedent case COs and the SME for the 15 series. The 17 series SME is out till mid Feb.

15-series SME feedback: This seems more in line with the engineers. The 17-2072 seems like the best fit especially given the education requirements.

Previous CO: I do think it has to be coded as 15-1121 and I really cannot see 17-2072 or 15-1133. I do think we should consider assigning a special skill point for the special requirements since they really don't have any relevance to the job duties.
I understand the desire to RFI, but we can very easily code the case based on the job description. Considering how far behind we are, it seems to me it would be best to assign a special skill point and allow them to come back at redetermination to tell us why those duties are normal.

The one thing that gives me pause is the education. I am not sure why a CSA would need to have a Ph.D., but in the end, is that really for us to question when the duties are so clear?

CO feedback: The job duties as written are taken from the survey job descriptions for the provided surveys

A recommendation on how the PWRA or other reference/procedure can be improved to limit this/these issue(s) occurring in the future: I believe there is sufficient information in the PWRA to make a decision.

6) Add a case note:
    Title: 20a Case Awaiting Guidance
    Category: HOLD
    Note: Escalating for review to Issue Determination Contrary to Previous Determinations.

7) Move the case to HOLD.

8) Email respective Management and Cc: Contract Supervisors.
    a. Contract TL's will search for multiple filings with duplicate job duties and move those cases to HOLD with the appropriate case note (above).

9) One of the federal supervisors will respond giving permission to break consistency or providing the reason why the original determination(s) is correct. If the case reaches day 50 for review (day 35 for recommendation) and no response has been received from a supervisor then check with your supervisor in person.
    a. Upon coding guidance, analyst will code case and submit for CO review.
10) Contract supervisors will work with federal supervisors to reach a decision.

11) If the supervisor decides to break constancy one or the other will send an e-mail to all COL staff including the e-mail from the reviewer and any further explanations or limitations and directing conract supervisors to Release Back To Processing

12) Contract Supervisor will add the respective case note, 20i Guidance Received to all of the appropriate cases in HOLD.

Appendix 2 All Other SOCs

Purpose: To clarify use of All Other SOCs post BALCA decisions Meltwater News and Quest Diagnostic
Directives: The O*Net SOC User Guide defines All Other SOC codes (generally ending in 9) as a residual, occupation, placed in the structure when it is determined that the detailed, distinct occupations comprising a broad occupation group do not account for all of the workers in the group with a Direct Title Match. Only Workers who perform activities not described in any distinct detailed occupation in the SOC structure should be coded in an appropriate "All Other" or residual occupation. Accordingly, use of All Other SOC codes should be limited.

Guidelines for use of All Other SOC Codes
1. Direct Title Match – NPWC Guidance Revised November 2009 and the SOC User Guide identify the Direct Title Match as the first step
2. Job duties - The SOC User Guide states users "should assign workers to the most detailed occupation possible". If the employer's job duties cannot be reasonably matched to a distinct SOC, All Other Codes may be considered.
3. If the job description and/or duties
   a) are a copy and paste from O*NET
      a. Recommender will prepare and submit request
      b. Senior Analysts will make the decision on whether to use All Other SOC code or not. (exception: 15-1199.09 - Information Technology Project Managers still gets supervisory review)
      c. Supervisors are copied
   b) are not copied and pasted yet requested All Other SOC code seems to be the best fit -- go through the request procedures
   c) are not copied and pasted yet recommender views an All Other seems as the best fit -- go through the request procedures
   d) Place the responsibility back on the employer, when necessary, send a RFI for clarification on job duties.
      a. Example: In reviewing 15-1199 Computer Occupations, All Other, an employer's job duties could fit sub-occupation 15-1199.09 Information Technology Project Managers but the employer's "planning and directing" duties are vague. Send an RFI asking for clarification on those duties as 11-3021 CISM could potentially be more appropriate.
4. Occupations where there are often not alternatives:
   a) 11-9039.00 Education Administrators, All Other "when the education level is not specified and the school/institution is not one in which degrees/certificates are awarded."
   b) 11-9199.00 Managers, All Other

a. 11-9199.01 Regulatory Affairs Managers – may overlap with 11-9121 in drug development job duties or Finance occupations when financial regulations are the focus
   b. 11-9199.02 Compliance Managers – may overlap with Finance occupations when financial compliance is the focus
   c. 11-9199.07 Security Managers
c) 13-1199.02 Security Management Specialists
d) 29-1199.00 Health Diagnosing and Treating Practitioners, All Other for Medical Physicists.
   a. 29-1199.01 Acupuncturists
   b. 29-1199.04 Naturopathic Physicians
   c. 29-1199.05 Orthoptists.
e) 29-2099.00 Health Technologists and Technicians, All Other is used for Perfusionists (Direct Title Match).
f) 25-3099.02 Tutors

Process:
1. Identify the case and the All Other code proposed
2. Write an explanation as to how the job duties are not a reasonable fit with a distinct detailed occupation and how they are a better fit with an All Other SOC
3. Provide the Direct Title Match from the 2010 Direct Title Match that fits with the application.
4. Check with the SME for their input (SME for proposed All Other, 1 other reviewer and the designated Senior Analyst)
5. Incorporate their comments into your explanation
6. If the designated Senior Analyst agrees, the Senior Analyst will send an e-mail to the appropriate supervisors (Contract as directed by your CoC; Federal analysts send to all supervisors).
7. Add a case note like so:
         Title: 20a Case Awaiting Guidance
         Category: HOLD
         Note: Escalating for review to Issue an All Other SOC
8. Move the case to HOLD
9. Email respective Management and Cc: Contract Supervisors

10. One of the supervisors will respond approving/disapproving the All Other SOC or. If the case reaches day 50 for review (day 35 for recommendation) and no response has been received from a supervisor then check with your supervisor in person.
11. Contract Supervisor will add the respective case note, 20i Guidance Received and upload the documented decision in iCert.

PWRA:
1. Add a note to the General Reference Section of the PWRA
    a. Topic: All Other SOCs
    b. Sub-Topic: SOC Codes ending in 9
    c. Action: All Other SOCs should be used rarely. Use if the SOC Direct Title match reasonably matches the job title and the duties cannot be reasonably classified elsewhere
2. Occupation Page for All Other Series should contain similar wording
    a. Consider using 11-9199.00 Managers, All Other when the job duties match the tasks from the break out occupations below and cannot be reasonably classified elsewhere.
    b. List of occupations to consider. Ex: Per Direct Title Match, use this SOC for Tattoo Artists. As such, okay to use for Body Art Artists and Mehndi/Henna Artists as well.

Case Notes:
1. When using an All Other SOC: Per PWRA, "Consider using 11-9199.00 Managers, All Other when the job duties match the tasks from the break out occupations below and cannot be reasonably classified elsewhere " OR "Direct Title Match to 29-1069".
2. When an All Other SOC is requested and not used: Considered 15-1199.09 Information Technology Project Managers, but duties can be reasonably classified as 11-3021.

Appendix 3

When a case has a job description identical to the job description of a case currently pending redetermination, no action should be taken without checking with the redetermination team as to whether they are likely to make any coding changes. **Analysts:** If the DSS search or another search indicates that there is a pending redetermination, please initiate the process below. **Reviewers:** Check the recommender's DSS notes, check DSS and/or multiple filing; if you discover there is a pending redetermination please initiate the process below.

- Place the regular case on hold (see instructions below for the format to be used for the hold note). It will have a 5 day suspense period.
- Send an e-mail to the entire redetermination team requesting their feedback on the redetermination request.
- Copy the Federal supervisors
- Copy Contract supervisors. Contractor will set the suspense date and check for additional matching cases.
- One member of the redetermination team will assign the case under their name, and then review the redetermination and supporting documents (when applicable).
- The reviewing member of the redetermination team will respond to all recipients of the email within five days, informing them of the proposed outcome.
  - Once the redetermination member responds, you may move forward with the case based on that response.
  - Once a decision has been made Contractor should copy the note from the redetermination team member to each case in the hold queue and release the case from hold (and assign the following code: 20i – Guidance Received).
  - If the redetermination team does not respond within five days, Contractor will release the case from hold and add a note indicating there was no response from the redetermination team (and assign the following code: 20i – Guidance Received). The analyst or reviewer may continue processing the case.
- The proposed decision may not be immediately processed because, like all redeterminations, it will be processed in FIFO order.
- The analyst or reviewer of the regular case will either send an RFI for documents, if needed, or continue processing the case.
- If no RFI is needed, but the analyst or reviewer and the redetermination team member agree to code in a way that is inconsistent with a previous determination, one of the following steps must be taken:
  - When the coding of both the current case and the case pending redetermination are going to be changed, and there are no other finalized determinations coded differently, consistency will be considered to have

been maintained (even if the current case is issued before the redetermination case) and the coding contrary process will not be used.

   o When the coding of both the current case and the case pending redetermination are going to be changed, and those changes will be inconsistent with previous finalized determinations, then the coding contrary process will be used.

Please Note: It might not be immediately obvious that there is a pending redetermination with identical job duties.   If the DSS lists identical job descriptions, check each case that is older than the current case in iCERT to determine whether redetermination has been requested. **Reviewers:** You **must** search in iCERT because the fact that a redetermination had not been requested when the DSS was checked does not mean one has not been requested subsequently.   If there is any question as to whether there are prior determinations that are not captured by the DSS, please check multiple filings or perform a search in utilities to double check whether there is a pending redetermination.

Note: If the case is in any stage of appeal send a courtesy e-mail to the redetermination team asking whether the redetermination will be affirmed or if the CDR will continue to BALCA as determined.

Process for placing the case in hold:
   1. Place the case in the hold queue and insert a note in the case notes using the following format
       a. Note Title: 20a Case Awaiting Guidance
       b. Category: Hold
       c. Note: This case is awaiting guidance from the redetermination team because the job duties are identical to (insert case number), which is currently pending redetermination.
Process for sending an RFI when there is a case pending redetermination
   1. When to RFI
       a. If the redetermination team decides that the employer has provided information with the redetermination request that may cause the coding to be changed, the reviewer will send an RFI trying to elicit the same information provided in support of the redetermination request.
            i. DO NOT ask for the information sent at redetermination or reference the case awaiting redetermination in any way.
            ii. Use the information in the redetermination to craft RFI language that may elicit the same information.

1. Example: A PWD is issued as 41-9031. The employer believes 13-2051 is the better choice. They submit information demonstrating that the job requires performing financial analysis in support of securities trading, but that the job does not actually require executing trades.   When writing the RFI, ask the employer to clarify the meaning of duties Y and Z, which were originally read as performing financial trading, but which the redetermination request explains are trading support duties.

2. Example: A PWD is issued as 15-1132, but the employer requests redetermination as 15-1121. The redetermination request explains that the testing being performed is integration and functionality testing, not code level testing, which was the reason the PWD was issued as 15-1132. The RFI sent by the reviewer should ask the employer what kind of testing is being performed.

b. There is no response from the redetermination team within the five day suspense window and no document uploaded, but the employer's general request for redetermination causes the reviewer to re-think how the case should be coded, an RFI may be sent to obtain additional information.

   i. DO NOT ask for the information sent at redetermination or reference the case awaiting redetermination in any way.

   ii. Send a RFI request seeking information about whatever it is in the redetermination request that caused you to re-think how the case was coded.

   iii. Alert the redetermination request was sent and let them know they should consider sending a redetermination request.

   iv. If the RFI response is received prior to the redetermination being reviewed, upload the RFI response to your case, pass along the RFI response to the redetermination team for their consideration <u>and</u> place a case note in the redetermination case alerting the redetermination reviewer that there is additional information to be aware of uploaded in your case (please be sure to include the case number of your case in the note).

c. There is no response from the redetermination team within five days and there is nothing in the redetermination request that indicates a coding change will be made.

   i. Move forward with coding the case (either code in line with the case pending redetermination or request permission to break consistency if you do not believe the prior determination was correct)

ii. No RFI should be sent.

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE EVENT LOG

PW10 – Federal Review

Revision Date	Section Number	Comments
3/18/2013	Internal Controls	Added "Internal Controls" section and statement on page one.
7/7/2014	Appendix 1 and 2	Added Appendix 1 and 2
7/17/2014	Appendix 2	Modified step #6 for clarity.
9/12/2014	Appendix 1 and 2	Modified case note for removal from hold queue to 20i Guidance Received
9/12/2014	Section VIII in procedures and Appendix 3	Added a section VIII in procedures to reference appendix 3 and added appendix 3
6/26/2015	Section I A-D	Modified case assignment procedures
6/26/2015	Section III A-C	Revised for clarity
6/26/2015	Section IV	Added Review Wage Level Assigned
6/26/2015	Section V	Revised to add referral to Survey/CBA SOP and ACWIA SOP
6/26/2015	Section VI	Revised for clarity
6/26/2015	Appendix 2	Revised for updated procedures

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE
NUMBER: **PW15**
EFFECTIVE DATE: **6 June 2012**
SUBJECT: **Survey and Collective Bargaining Agreement (CBA)**
                             Prevailing Wage Determinations

Purpose: To provide standard operating procedures for the initial recommendation and Federal review and issuance of prevailing wage determinations in which the employer has requested the use of a survey or Collective Bargaining Agreement (CBA) as an alternate wage source.

Background: Pursuant to the National Prevailing Wage Policy Guidance issued in November 2009, if the job opportunity is in an occupation covered by a collective bargaining agreement (CBA) negotiated between a union and the employer the wage rate in the agreement shall be considered the prevailing wage in making the prevailing wage determination. If the job opportunity is in an occupation <u>not</u> covered by a CBA the NPWC shall also consider wage data that has been furnished by the employer in the form of a published wage survey, or wage data contained in a survey that has been conducted or funded by the employer for prevailing wage purposes and that survey must: 1) have been published within 24 months of the date of submission of the prevailing wage request; 2) be the most current edition of the survey; and 3) be based on data collected within 24 months of the date of the publication of the survey.

Internal Controls:
As part of the internal controls process, the NPWC produces daily and weekly productivity reports which are shared with the National Office. Such reports are used to ensure NPWC productivity is consistent with this Standard Operating Procedure.

Statutory Requirement:
20 CFR 655.10
20 CFR 656.40
Non-agricultural Prevailing Wage Guidance, November 2009

Procedure For Survey Determinations

Initial Recommendation of Survey Based Prevailing Wage Requests

1. If the employer requests a survey, and the survey is **NOT** attached:
    a. Assess the application and assign an occupational classification;
    b. Assess a wage for the occupation;

     c. Complete the Analyst Checklist Notes;
     d. Indicate in the Comments section that the employer requested a survey, but that it is not attached;
     e. Create a Case Note:
          i. Title: RFI Survey SUSP Date xx/xx/xx (12 Days from issuance of RFI)
          ii. Category: Correspondence
          iii. Note: Indicate reason for RFI – Include specific language you want included in the request.
     f. Generate Correspondence - New Email - Email - Request for Further Information E-mail with the following template:
     g. The deficiencies are: Insert specific language you want included in the request.
          i. The employer must fully complete the section(s) listed above within 7 calendar days.
          ii. If the National Prevailing Wage Center does not receive the response within 7 days, we will void the application. The employer may withdraw this application at anytime and submit a new application.
     h. Use "Response to **RFI P-000-00000-000000**" as the subject for the e-mail.
     i. In addition, indicate that the National Prevailing Wage Center has permission to correct your ETA 9141 with the information you provide in your response.
          i. You must send the information requested to the following address:
          ii. flc.pwd@dol.gov
          iii. With your response, please reference the following information:
               a) the PW Case Tracking Number,
               b) the legal business name of the employer, and
               c) the requestor contact name, telephone number and email address.
          iv. National Prevailing Wage Center
     j. Send RFI Correspondence to Employer;
     k. While the Case is still in your queue, place the case in the HOLD queue by selecting the checkbox on the lefthand side of case number and then selecting the "Move to Hold Queue" button on the bottom left-hand side of your screen; and
     l. Proceed to the next case in your queue.

2. If the employer requests a survey, and the survey **IS** attached:
     a. Assess the application and assign an occupational classification;
     b. Assess a wage for the occupation;
     c. Complete the Analyst Checklist Notes;
     d. Indicate in the Comments section that the employer requested a survey, and that it is attached;
     e. Submit the case for Federal CO determination – Assign the case to the Survey Group's Federal CO Lead; and
     f. Proceed to the next case in your queue.

Federal Review and Issuance of Survey Based Prevailing Wage Requests

The acting Federal Analyst Lead for the Survey/CBA team will assign cases to Federal Analyst team members on a daily basis, or as needed, according to processing date

demands taking into consideration a normal regulatory processing time of forty (40) days and pending queue inventory levels.

1. If the employer requests a survey, and the survey is **NOT** attached:
   a. Assess the application and verify the assigned occupational classification;
   b. Assess and verify the assigned wage;
   c. Select the "Case Document" tab in order to review submitted survey documentation; since documentation is not included, create a RFI request;
   d. Create a Case Note:
      i. Title: RFI Survey
      ii. Category: Correspondence
      iii. Note: Indicate reason for RFI – Include specific language you want included in the request in "double quotes".
      iv. Return Case to Analyst by clicking "Return To Analyst" button.
      v. Proceed to the next case in your queue.
2. If the employer requests a survey, and the survey **IS** attached:
   a. Assess the application and verify the assigned occupational classification;
   b. Assess and verify the assigned wage;
   c. Select the "Case Document" tab in order to review the submitted survey documentation;
   d. Open survey document attachments and verify the following:
      i. Verify that the survey is the most recently published version of the survey;
      ii. Verify that the survey was published within 24 months of the date of submission of the prevailing wage request;
      iii. Verify that the survey's data was collected within 24 months of the date of the publication.
      iv. Verify that all the required survey documentation/information is attached including the survey's:
         a) Job Description;
         b) Wage data for area of intended employment;
         c) Mapping of levels;
         d) Methodology; and
         e) List of participants.

However, if the documentation is not complete, proceed to the issuance of an RFI Request (to issue an RFI request please see the previous section).

3. Once you have verified that the survey documentation and/or information is complete, proceed to performing the survey analysis.
   a. In order to complete the survey analysis, the Federal Analyst will need to complete a "Survey Review Worksheet." Please see Appendix 3.
   b. Procedures on how to save the completed "Survey Review Worksheet " will be provided below in Item 4.
   c. To complete the survey analysis, the Federal Analyst must ensure that the survey documentation complies with the following criteria:

i. Was the survey published within the last 24 months? The employer submitted survey must have:
   a) Been published within 24 months of the date of submission of the prevailing wage request;
   b) Be the most current edition of the survey; Please see Appendix 2 for a list of the most commonly submitted employer surveys; and
   c) Be based on data collected within 24 months of the date of the publication of the survey.

ii. Is the data from the area of intended employment?
   a) Area of intended employment means the area within normal commuting distance of the place (address) of intended employment.
   b) If the place of intended employment is within a Metropolitan Statistical Area (MSA) or Primary Metropolitan Statistical Area (PMSA), any place within the MSA or PMSA is deemed to be within the normal commuting distance of the place of intended employment.
   c) All locations within a Consolidated Metropolitan Statistical Area (CMSA) will not automatically be deemed to be within normal commuting distances for prevailing wage purposes.
   d) The borders of PMSAs, MSAs, or CMSAs are not controlling in the identification of the normal commuting area; an employer location just outside of the PMSA, MSA, or CMSA boundary may still be considered within normal commuting distance.
   e) The terminology CMSAs and PMSAs are being replaced by the Office of Management and Budget (OMB); however, ETA will continue to recognize the use of these area concepts as well as their replacements.

iii. Are there at least (3) three employers?
   a) The survey's statistical universe and sample size must contain wage data collected from a sample of at least 3 employers in order to produce an accurate Arithmetic Mean wage data result for all levels for the occupation in the area of intended employment. Therefore, a sample size of a minimum of 3 employers and 30 workers is determined to be large enough for the results to comply with the Central Limit Theorem with reasonable accuracy.

iv. Are there at least (30) thirty workers?
   a) The survey's statistical universe and sample size must contain wage data collected from a sample of at least 30 workers in order to produce an accurate Arithmetic Mean wage data result for all levels for the occupation in the area of intended employment. Therefore, a sample size of a minimum of 3 employers and 30 workers is determined to be large enough for the results to comply with the Central Limit Theorem with reasonable accuracy.

v. Is the survey methodology included?
   a) The employer must include the methodology used for the survey to show that it is reasonable and consistent with recognized statistical standards and principles in producing a prevailing wage (e.g., contains a representative sample), including its adherence to these standards for

the acceptability of employer-provided wage data. It is important to note that a prevailing wage determination based upon the acceptance of employer-provided wage data for the specific job opportunity at issue does not supersede the OES wage rate for subsequent requests for prevailing wage data in that occupation.
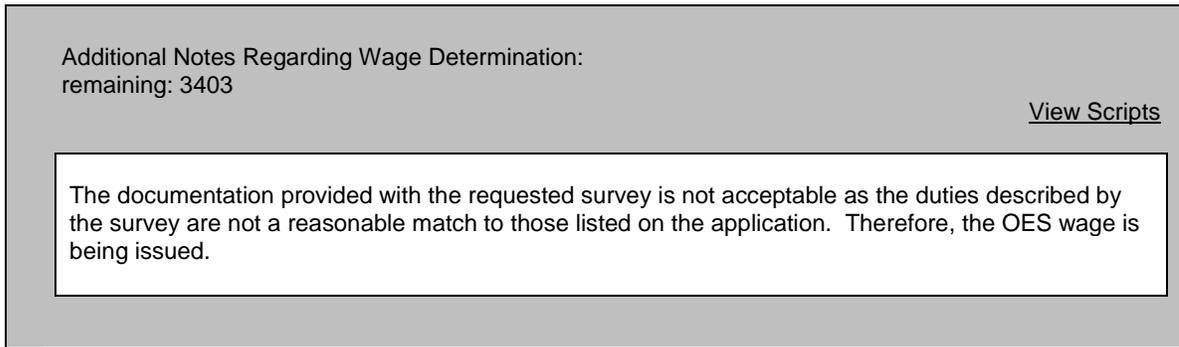
vi.   Was the sample size determined by the universe size?
   a) The universe size refers the survey's sample size in the area of intended employment and it represents the entire population or number of units, employers and workers, which were used to collect the data being reported by the survey. As such, the universe size could consist of all workers and employers or a segment of these groups in the geographical location at the national, regional, sub-regional, state or local area of intended employment were the employment will take place.

vii.   Was the sample selected randomly?
   a) A random sample selection from within a population, workers and employers, ensures that the results being reported by the survey are a true representation of the sampled population in the area of intended employment.

viii.   Was the data collected cross industry?
   a) The wage data must have been collected across the various industries and it must cover the specific occupational category for which the employer is seeking a prevailing wage determination.

ix.   Is the position with a Higher Education (ACWIA) employer?
   a) By statute, the NPWC must issue an ACWIA wage when the employer seeking a prevailing wage determination is an entity covered by ACWIA provisions. Such entities include: institutions of higher education; an affiliate or related nonprofit entity; a nonprofit research organization; or a governmental research organization. Therefore, the prevailing wage determination should only take into account ACWIA wage levels for employees and entities covered by ACWIA provisions in the area of intended employment.
   b) In order to verify ACWIA eligibility, open the PW Reference Application located at (S:\Common\PW Reference.mdb) and select "Find ACWIA Employer." Further information on this procedure may be found in the ACWIA SOP document.

x.   Does the survey only use ACWIA employers?
   a) As previously stipulated, the NPWC may only issue an ACWIA prevailing wage determinations to entities covered under the ACWIA statute. Institutions and organizations seeking an ACWIA wage determination must submit survey documentation which establishes that all of the survey's participants are ACWIA eligible. Entities falling outside the scope of ACWIA statute cannot be granted an ACWIA wage. Therefore, surveys in which not all of the surveyed participants are ACWIA eligible will instead receive a prevailing wage determination in which an OES wage was issued.

      xi.   Is an arithmetic mean listed?
         a) By regulation, the prevailing wage determination should be based on the arithmetic mean (weighted average) of wages for workers that are similarly employed in the area of intended employment.

      xii.   Is a median listed?
         a) If the survey provides a median wage of workers similarly employed in the area of intended employment and does not <u>normally</u> provide an arithmetic mean, the median wage may be used as the basis for making a prevailing wage determination.

      xiii.   Does the description of the occupation or equivalent reasonably match the one on the application?
         a) The survey's job description must provide a reasonable match to the duties provided by the employer in its application for a prevailing wage determination. This insures that the survey's wage data submitted by the employer represents an adequate match to the occupation for workers similarly employed in the area of intended employment.

      xiv.   Is the survey leveling description included?
         a) A survey's mapping of levels description varies across different surveys, however, analysis of this section of the survey is necessary, as this section outlines the experience and education requirements set for each level of the surveyed occupation within the survey. (i.e. entry, intermediate, career, supervisory and managerial levels). Therefore, the mapping of levels section is essential when determining wage levels to be assigned to prevailing wage applications as submitted by employer.

      xv.   Are all portions of the documentation from the same survey and edition (year)?
         a) All survey documentation submitted to the NPWC must be from the same survey source and within the same date of publication. For instance, Radford surveys are published on a monthly or quarterly basis throughout the year. While surveys such as Mercer and Towers Watson are published on a yearly basis. Please note that verifying the survey source and publication dates is of extreme importance as survey data varies from publication to publication and making sure that the submitted data is the most recent guarantees that the wage determination will be complete by implementing the most up-to-date published data.
         b) Please see Appendix 2 for a list of most commonly employer submitted surveys and information on their publication dates.

4. Procedures for saving the completed "Survey Review Worksheet."
   a. Once you have completed the analysis of the survey documentation and you have completed the "Survey Review Worksheet ," the completed worksheet will need to be saved at a designated location for future upload into iCert for documentation purposes.
   b. In order to save the completed "Survey Review Worksheet," follow the following steps:

      i.   Click the Microsoft "Office Button" and select, Save As and save as a "Word 97-2003 Document" Please Note that the completed worksheet may be saved in your "My Documents Folder" for easy reference during the save process.

      ii.   Once the "Save As" window opens, save the document in the following format: Case number first, follow by the document name, "P-000-00000-000000 – survey worksheet."

      iii.   Click "Save" to save the document to your selected folder.

5. Once the survey analysis is complete, proceed to completing the processing of the prevailing wage application:

    a. If the survey is to be rejected complete the following:

      i.   In iCert, click the "Edit Determination" button and complete the following steps:

        a) In the "Additional Notes Regarding Wage Determination Section" of the ETA Form 9141, add text explaining the reason for the survey rejection, please see example below:

Additional Notes Regarding Wage Determination:
remaining: 3403

<u>View Scripts</u>

The documentation provided with the requested survey is not acceptable as the duties described by the survey are not a reasonable match to those listed on the application. Therefore, the OES wage is being issued.

---

        b) Then, create a CO Notes in the "Add Note" Section of the ETA Form 9141, please see example below:

Title: *   CO Notes

Category: *   Decision

Notes: *

9z

                    Save   Reset

---

        c) Proceed to save the note.

d) Then, create a Case Note in the "Add Note" Section of the ETA Form 9141, please see example below:

Title:	*	Survey Notes
Category:	*	Decision
Notes:	*	

Documentation Complete.

The documentation provided with the requested survey is not acceptable as the duties described by the survey are not a reasonable match to those listed on the application. Therefore, the OES wage was issued.

Save	Reset

e) Proceed to save the note.

b. If the survey is to be accepted complete the following:
   i. In iCert, click the "Edit Determination" button and complete the following steps:
      a) In the "Additional Notes Regarding Wage Determination Section" of the ETA Form 9141, add text stating what survey level was assigned, please see example below:

Additional Notes Regarding Wage Determination:
remaining: 3403

View Scripts

Based on the employer's job duties and requirements, wage level 5, of the submitted survey is being issued.

b) Then, create a CO Notes in the "Add Note" Section of the ETA Form 9141, please see example below:

Title: *   CO Notes

Category: *   Decision

Notes: *

9z

Save   Reset

      c) Proceed to save the note.

      d) Then, create a Case Note in the "Add Note" Section of the ETA Form 9141, please see example below:

Title: *   Survey Notes

Category: *   Decision

Notes: *

Documentation Complete.

Save   Reset

      e) Proceed to save the note.

6. Once the case notes have been entered and saved into the case record, proceed to load the "Survey Review Worksheet" completed at the survey analysis stage. In order to do so, follow the following steps:
    a. On the Correspondence Tab in iCert, select the "Correspondence Upload" button.
    b. Once the "Upload Correspondence PW" box opens, see illustration below, complete the upload process as follows:

 i. Select the "Browse" button to search for the saved worksheet in your "My Documents Folder";

 ii. Once you have selected the worksheet, in the "Type" of document field, select "Other" for type of document;

 iii. Select the Zero "0" days Response Due;

 iv. Proceed to save the correspondence to the case record in iCert.

7. In the Final Step, follow the following steps:
 a. Assess the application and verify the assigned occupational classification;
 b. Assess and verify the survey assigned wage;
 c. In iCert, click the "Issue Determination" button in order to issue the wage determination decision to the employer;
 d. Proceed to the next case in your queue.

Procedure For Collective Bargaining Agreement Determinations

When the job opportunity is covered by a Collective Bargaining Agreement (CBA), the employer must submit the following at the time it submits the ETA Form 9141:

1. A copy of the relevant portions of the actual CBA with evidence of the validity dates for the agreement;
2. A letter, on letterhead, from the employer, stating the relevant section of the CBA, the CBA job title, and the appropriate wage; and
3. 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.

Initial Recommendation of CBA Based Prevailing Wage Requests

1. If the employer requests a CBA, and the CBA is **NOT** attached:
   a. Assess the application and assign an occupational classification;
   b. Assess a wage for the occupation;
   c. Complete the Analyst Checklist Notes;
   d. Indicate in the Comments section that the employer requested a CBA, but that the appropriate documentation is not attached;
   e. Create a Case Note:
      i. Title: RFI Survey SUSP Date xx/xx/xx (12 Days from issuance of RFI)
      ii. Category: Correspondence
      iii. Note: Indicate reason for RFI – Include specific language you want included in the request.
   f. Generate Correspondence - New Email - Email - Request for Further Information E-mail with the following template:
   g. The deficiencies are: Insert specific language you want included in the request.
      i. The employer must fully complete the section(s) listed above within 7 calendar days.
      ii. If the National Prevailing Wage Center does not receive the response within 7 days, we will void the application. The employer may withdraw this application at anytime and submit a new application.
   h. Use "Response to **RFI P-000-00000-000000**" as the subject for the e-mail.
   i. In addition, indicate that the National Prevailing Wage Center has permission to correct your ETA 9141 with the information you provide in your response.
      i. You must send the information requested to the following address:
      ii. flc.pwd@dol.gov
      iii. With your response, please reference the following information:
         d) the PW Case Tracking Number,
         e) the legal business name of the employer, and
         f) the requestor contact name, telephone number and email address.
      iv. National Prevailing Wage Center
   j. Send RFI Correspondence to Employer;
   k. While the Case is still in your queue, place the case in the HOLD queue by selecting the checkbox on the left-hand side of case number and then selecting the "Move to Hold Queue" button on the bottom left-hand side of your screen; and
   l. Proceed to the next case in your queue.
2. If the employer requests a CBA, and the CBA **IS** attached:
   a. Assess the application and assign an occupational classification;
   b. Assess a wage for the occupation;
   c. Complete the Analyst Checklist Notes;
   d. Indicate in the Comments section that the employer requested a CBA, and that it is attached;
   e. Submit the case for Federal CO determination – Assign the case to the Survey/CBA Group's Federal CO Lead; and
   f. Proceed to the next case in your queue.

Federal Review and Issuance of CBA Based Prevailing Wage Requests

1. If the employer requests a CBA, and the CBA is **NOT** attached:
    a. Assess the application and verify the assigned occupational classification;
    b. Assess and verify the assigned wage;
    c. Select the "Case Document" tab in order to review submitted CBA documentation; since documentation is not included, create a RFI request;
    d. Create a Case Note:
        i.   Title: RFI Survey
        ii. Category: Correspondence
        iii. Note: Indicate reason for RFI – Include specific language you want included in the request in "double quotes".
        iv. Return Case to Analyst by clicking "Return To Analyst" button.
        v.   Proceed to the next case in your queue.
2. If the employer requests a CBA, and the CBA **IS** attached:
    a. Assess the application and verify the assigned occupational classification;
    b. Assess and verify the assigned wage;
    c. Select the "Case Document" tab in order to review the submitted survey documentation;
    d. Open CBA document attachments and verify the following:
        i.   Verify that relevant portions of the actual CBA with evidence of the validity dates for the agreement is attached;
        ii. Verify that a letter, on letterhead, from the employer, stating the relevant section of the CBA, the CBA job title, and the appropriate wage is attached; and
        iii. Verify that 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 is attached.

However, if the documentation is not complete, proceed to the issuance of an RFI Request (to issue an RFI request please see the previous section).

3. Once you have verified that the CBA documentation and/or information is complete, proceed to performing the CBA analysis.
    a. Verify that the CBA documentation submitted by the employer is the most up-to-date documentation and that the CBA has current validity.
    b. Verify that the employer provided letter contains all relevant information concerning the job opportunity; and
    c. Verify that the collective bargaining unit's (union) authorized representative provided letter contains all relevant information concerning the job opportunity.
4. Once the CBA analysis is complete, proceed to completing the processing of the prevailing wage application:
    a. If the CBA is to be rejected complete the following:
        i.   In iCert, click the "Edit Determination" button and complete the following steps:

a) In the "Additional Notes Regarding Wage Determination Section" of the ETA Form 9141, add text explaining the reason for the survey rejection, please see example below:

Additional Notes Regarding Wage Determination:
remaining: 3403

View Scripts

The documentation provided with the requested CBA is not acceptable as the employer failed to provide complete CBA documentation. Therefore, the OES wage is being issued.

b) Then, create a CO Notes in the "Add Note" Section of the ETA Form 9141, please see example below:

Title: *   CO Notes

Category: *   Decision

Notes: *

9z

Save   Reset

c) Proceed to save the note.

d) Then, create a Case Note in the "Add Note" Section of the ETA Form 9141, please see example below:

Title:	*	Survey Notes
Category:	*	Decision
Notes:	*	

Documentation Complete.

The documentation provided with the requested CBA is not acceptable as the employer failed to provide complete CBA documentation. Therefore, the OES wage is being issued.

| Save | Reset |

e) Proceed to save the note.

b. If the CBA is to be accepted complete the following:
   ii. In iCert, click the "Edit Determination" button and complete the following steps:
      a) In the "Additional Notes Regarding Wage Determination Section" of the ETA Form 9141, add text stating that the wage determination was issued based on the employer submitted survey, please see example below:

Additional Notes Regarding Wage Determination:
remaining: 3403

View Scripts

The wage determination was issued based on the employer submitted CBA.

      b) Then, create a CO Notes in the "Add Note" Section of the ETA Form 9141, please see example below:

Page **14** of **23**

Title: *   CO Notes

Category: *   Decision

Notes: *

9z

Save   Reset

c) Proceed to save the note.

d) Then, create a Case Note in the "Add Note" Section of the ETA Form 9141, please see example below:

Title: *   Survey Notes

Category: *   Decision

Notes: *

Documentation Complete.

Save   Reset

e) Proceed to save the note.

5. In the Final Step, follow the following steps:
   a. Assess the application and verify the assigned occupational classification;
   b. Assess and verify the CBA assigned wage;
   c. In iCert, click the "Issue Determination" button in order to issue the wage determination decision to the employer;
   d. Proceed to the next case in your queue.

Appendix 1 - List of Required Survey Documentation

Survey's Job Description	Detailed job description for duties to be performed by the candidate in the surveyed occupation. The survey's job description must provide a reasonable match to the duties provided by the employer in the submitted ETA 9141 Form. This insures that the survey's wage data represents an adequate match to the occupation for workers similarly employed in the area of intended employment.
Survey's Mapping Levels	Mapping of levels may be found as a chart or in the form of analysis along with the survey's job description. Radford for instance, provides a chart with detailed information about the characteristics for the occupation at the different surveyed levels. Mercer on the other hand, provides the leveling characteristics in the form of a statement within the job description.
Survey's Wage Data	By regulation, a prevailing wage determination via an employer submitted survey must be based on the arithmetic mean (weighted average) wage for workers who are similarly employed in the area of intended employment. However, if the survey provides a median wage for workers similarly employed in the area of intended employment and it does not <u>normally</u> provide an arithmetic mean, the median wage may be used as the basis for making a prevailing wage determination.
Area of intended Employment	Area of intended employment means the area within normal commuting distance of the place (address) of intended employment.
List of Survey Participants or Evidence to demonstrate the survey's sample was	The wage data must have been collected across the various industries and it must cover the specific

taken from a sample of employers across the various industries in the area of intended employment.	occupational category for which the employer is seeking a prevailing wage determination.
Survey Methodology	Primarily information on how the survey was conducted and who was surveyed. The employer must include the methodology used to conduct the survey to show that it is reasonable and consistent with recognized statistical standards and principles in producing a prevailing wage (e.g., contains a representative sample), including its adherence to these standards for the acceptability of employer-provided wage data. It is important to note that a prevailing wage determination based upon the acceptance of employer-provided wage data for the specific job opportunity at issue does not supersede the OES wage rate for subsequent requests for prevailing wage data in that occupation. The universe size refers the survey's sample size in the area of intended employment and it represents the entire population or number of units, employers and workers, which were used to collect the data being reported by the survey. The survey's statistical universe and sample size must contain wage data collected from a sample of at least 3 employers and 30 workers in order to produce an accurate Arithmetic Mean wage data result for all levels for the occupation in the area of intended employment. Therefore, a sample size of a minimum of 3 employers and 30 workers is determined to be large enough for the results to comply with the Central Limit Theorem with reasonable accuracy. A random sample selection from within a population, workers and employers, ensures that the results being reported by the survey are a true representation of the sampled population in the area of intended employment.

Appendix 2 - List of Most Common Surveys

Survey Name	Published	Occupation(s)	NOTES
Radford	monthly, quarterly, annually	All	Accepted if expiration date is within 6 months for the date of submission.
Towers Watson Data Services	Annually	All	Listing of publication dates can be found at: https://www.twdataservices.com/twds/public/ProductCatalog/products.jsp?sectionName=BROWSECATALOG
Dietrich	2x a year	Engineering	Issued in the Spring and Fall - http://dietrichsurveys.com/
Mercer	Annually	All	Using Fall 2011 right now. Wage level is in job description.
AAMC	Annually	Doctors and Teachers	Table 4 Must be provided as it provides weighted wage data.
BLS	2010 April	All	Use Table 2 for Civilian Workers - http://www.bls.gov/ncs/ocs/compub.htm
CHIPS	Annually	All	Provides Regional Wage Data
PayScale	Monthly	Paid and Free Report	Needs to include the search criteria. Must have evidence that it is cross-industry. The paid report does provide the search criteria.
Fashion Retail & AIA Compensation Report	Annually	Architectural and Fashion	To be Rejected by Federal Analyst upon review as the survey is not a cross industry survey.
CBA	Expiration date should be addressed in the letter	All	We do not accept links to websites to access the CBA. They must provide relevant pages. Contract should include letter from the Employer and the Union Rep and the Employee's job and wage.
Private Surveys	EX: APWD, The Survey Group	All	Employers hire an outside contractor (APWD or Survey Group) to conduct analysis on publically available surveys on their behalf. They often use copies of published surveys for their data.

Appendix 3 – Survey Review Worksheet

Item	Yes	No	NA
Was the data collected within 24 months of publication?			
Is this the most current edition of the survey?			
Was the survey published within the last 24 months?			
Is the data from the area of intended employment?			
Are there at least (3) three employers?			
Are there at least (30) thirty workers?			
Was the area expanded due to lack of workers or employers in the occupation?			
Did the expansion change the survey occupation/position?			
Does the survey broaden the occupation rather than expand the area?			
Is the methodology included?			
Was the sample size determined by the universe size?			
Was the sample selected randomly?			
Was the data collected cross industry?			
Is the position with a Higher Education (ACWIA) employer?			
Does the survey only use ACWIA employers?			
Is an arithmetic mean listed?			
Is a median listed?			
Does the description of the occupation or equivalent reasonably match the one on the application?			
Is the survey leveling description included?			
Are all portions of the documentation from the same survey and edition (year)?			
Is the Education Requirement a reasonable match the one on the application?			
Is the Experience Requirement a reasonable match the one on the application?			

Appendix 4 - List of Required CBA Documentation

When the job opportunity is covered by a Collective Bargaining Agreement (CBA), the employer must submit the following at the time it submits the ETA Form 9141:

CBA Documentation	A copy of the relevant portions of the actual CBA with evidence of the validity dates for the agreement.
Employer Provided Letter	A letter, on letterhead, from the employer, stating the relevant section of the CBA, the CBA job title, and the appropriate wage; and
Collective Bargaining Unit's (union) Authorized Representative Provided Letter	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.

Appendix 5 – DBA Prevailing Wage Determinations Standard Operating Procedures

S:\CO Use\H-2B Employer Survey Requests\DBA SOP.doc

Employment and Training Administration
Office of Foreign Labor Certification

STANDARD OPERATING PROCEDURE EVENT LOG

PW15 – Survey and CBA Determinations

Revision Date	Section Number	Comments