

U.S. Department of Labor
Employment and Training Administration
OFFICE OF FOREIGN LABOR CERTIFICATION
National Prevailing Wage Center (NPWC) FAQs

Round 3: Implementation of the Revised Form ETA-9141 FAQs

July 16, 2021

1. Will pending requests for prevailing wage determinations (PWDs) be issued under the revised Form ETA-9141?

If an employer submitted a PWD before May 3, 2021, the National Prevailing Wage Center (NPWC) will issue the PWD under the previous Form ETA-9141, and it will be valid through the validity period on the PWD. If an employer submitted a PWD request on May 3, 2021, or thereafter, the NPWC will issue the PWD under the revised Form ETA-9141.

2. Can employers who receive a PWD issued under the previous Form ETA-9141 use the PWD to file in support of PERM, Labor Condition Applications (LCAs), and H-2B applications?

Yes. Employers may use the issued PWD, including those under the previous Form ETA-9141, for completing PERM, LCAs, or H-2B applications through the validity period stated on that PWD.

3. How are the wages in Form ETA-9141, Appendix A, Request for Additional Worksite(s), listed when the employer provided both minimum and alternative job requirements for a single occupation?

For each worksite listed in Appendix A, the NPWC will provide the wages based on the employer's minimum and alternative job requirements.

4. How are the wages in Form ETA-9141, Appendix A, Request for Additional Worksite(s), listed when the employer only provided the minimum job requirements and a combination of occupations is assigned?

When a combination of occupations is assigned, the NPWC compares the wages of each occupation for each additional worksite based on the employer's minimum job requirements. For each worksite listed in Appendix A, the SOC code with the highest wage is assigned, and the prevailing wage for the minimum requirements is listed. See the table below showing two different worksites.

<i>Additional Worksite 1</i>	
County/State or BLS Area (Metropolitan or Non-Metropolitan Statistical Areas) Name *	
1. County: New Castle 2. State: DE OR 3. BLS Area: Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	
<i>For Official Government Use Only</i>	
SOC Code: 13-2011 SOC Title: Accountants and Auditors	
Minimum Requirements Prevailing Wage Source: OES (All Industries)	Alternative Requirements (PERM and H-1B only) Prevailing Wage Source:
Prevailing Wage per Minimum Requirements: \$57,500.00 per year	Prevailing Wage per Alternative Requirements: \$ _____ per year
<i>Additional Worksite 2</i>	
County/State or BLS Area (Metropolitan or Non-Metropolitan Statistical Areas) Name *	
1. County: Santa Clara 2. State: CA OR 3. BLS Area: San Jose-Sunnyvale-Santa Clara, CA	
<i>For Official Government Use Only</i>	
SOC Code: 15-1199 SOC Title: Computer Occupations, All Other	
Minimum Requirements Prevailing Wage Source: OES (All Industries)	Alternative Requirements (PERM and H-1B only) Prevailing Wage Source:
Prevailing Wage per Minimum Requirements: \$75,000.00 per year	Prevailing Wage per Alternative Requirements: \$ _____ per year

5. How are the wages in Form ETA-9141, Appendix A, Request for Additional Worksite(s), handled when a combination of occupations is assigned and the employer provided both minimum and alternative job requirements?

When a combination of occupations is assigned, the NPWC compares the wages of each occupation for each additional worksite based on the employer’s minimum and alternative job requirements. For each worksite listed in Appendix A, the highest wage based on the minimum job requirements is provided as the prevailing wage for the minimum requirements, and the highest wage based on the alternative job requirements is provided as the prevailing wage for the alternative job requirements. The SOC code with the highest wage of all the requirements for the corresponding worksite is the assigned SOC code for the worksite. Accordingly, when there is a combination of occupations, the assigned SOC code may change depending on the location of the additional worksite.

In the sample below, the SOC code 13-2011 – Accountants and Auditors was assigned to New Castle, Delaware, because it has the highest wage of all the requirements. The wage assigned for the minimum job requirements is \$57,500 because it is the highest wage of the minimum job requirements. The wage assigned for the alternative job requirements is \$68,000 because it is the highest wage of the alternative job requirements. See the table below.

<i>Additional Worksite 1</i>			
County/State or BLS Area (Metropolitan or Non-Metropolitan Statistical Areas) Name *			
1. County: New Castle 2. State: DE OR 3. BLS Area: Philadelphia-Camden-Wilmington, PA-NJ-DE-MD			
<i>For Official Government Use Only</i>			
SOC Code: 13-2011		SOC Title: Accountants and Auditors	
Minimum Requirements Prevailing Wage Source:	Alternative Requirements (PERM and H-1B only) Prevailing Wage Source:		
Prevailing Wage per Minimum Requirements: \$ 57,500.00 per year	Prevailing Wage per Alternative Requirements: \$ 68,000 per year		
Appendix A Locations:			
New Castle			
Occupation	Minimum	Alternate	The assigned Occupation with the highest of wages
15-1199	\$7,500	65,000	13-2011
13-2011	52,000	68,000	

6. How will the NPWC determine the prevailing wage for alternative job requirements if the employer provides a survey as the wage source?

The NPWC will compare the employer's job duties, location of work and, independently, the employer's minimum and alternative requirements to the survey documents received. This may result in different wages and/or sources for the minimum and alternative requirements for any locations on the application. The survey documentation may show that the two sets of requirements correspond to different survey levels or the equivalent. The survey documents may not match one of the two sets of requirements in their description of the position surveyed. The NPWC will issue an Occupational Employment and Wage Statistics wage for a requirements set that does not match survey documents the employer provides.

7. If an employer is covered by the American Competitiveness and Workforce Improvement Act (ACWIA) pursuant to 20 CFR 656.40(e) and the job opportunity is covered by a Collective Bargaining Agreement (CBA), can the employer select both wage sources?

Yes. The Foreign Labor Application Gateway system will allow employers to check both ACWIA and CBA as the wage sources.

8. Do employers have to submit the ACWIA documentation with each prevailing wage determination request?

No. Employers only have to submit ACWIA documentation if employers believe their ACWIA status has changed.

9. Who will receive the PWD under the revised Form ETA-9141, the Requestor Point-of-Contact or the Agent/Attorney?

All correspondence issued by the NPWC regarding a PWD application will be sent electronically to the Point-of-Contact's valid email address listed in Item B.14 and the employer Agent/Attorney's valid email address listed in D.14.

10. How does the NPWC assess alternative job requirements on the revised Form ETA-9141?

The NPWC will assign wages for the employer's alternative job requirements provided in the new Section F.c, Job Offer Information-Alternative Job Requirements, on the revised Form ETA-9141. While an employer may specify alternative requirements, the substantial equivalency of the alternative requirements to the minimum job requirements will not be evaluated by the NPWC.

11. What wage should be listed on the PERM and LCA program applications when the revised Form ETA-9141 includes prevailing wages for the minimum and the alternative job requirements?

The prevailing wage determination includes two wages; the wage in Section G.4 is based on the minimum requirements, and the wage in Section G.5 is based on the alternative requirements. Employers must use the higher of the two wages, including the wage level and wage source, as the determined prevailing wage when completing the PERM application or LCA.