

DOL Online Wage Library – Prevailing Wages will change on July 1

Article By:

Labor & Employment Practice

Every year on July 1, the U.S. Department of Labor (DOL) publishes updates to the Foreign Labor Certification Data Center Online Wage Library. These updates typically include changes to the prevailing wages and may also include revisions to or additions of certain occupational classifications.

The DOL Online Wage Library is the primary source of prevailing wage data most commonly used by employers in connection with the filing of certain nonimmigrant petitions (e.g., H-1B, H-1B1, and E-3) as well as of PERM Labor Certification Applications.

Historically, in implementing annual updates to the Online Wage Library, the DOL has increased prevailing wages aligned with most classifications. With the improving economy, it is expected that the prevailing wages will also increase effective July 1, 2016. Heightened prevailing wage requirements may have a chilling effect on employers in hiring foreign workers and as such, can seriously impact the employer's ability to recruit top talent.

In the context of PERM Labor Certification Applications, employers should be mindful of the expiration dates of the recently issued ETA Forms 9141 (Prevailing Wage Determinations). ETA Forms 9141 issued between July 1, 2015 and March 30, 2016 should be valid through June 30, 2016. ETA Forms 9141 issued after March 30, 2016 should be valid for at least 90 days from the date of issuance. The validity period of the Prevailing Wage Determination has a direct impact on the PERM timeline and filing date.

In the absence of a formal prevailing wage determination (ETA Form 9141) with an assigned validity period, employers may rely on the currently posted wages only through June 30.

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