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Announcements

Dec
23

In response to inquiries from our stakeholders, the Department is elaborating on the procedures that will be utilized in implementing the decision in *Comite de Apoyo a los Trabajadores Agrícolas et al v. Solis*, No. 14-3557 (3rd Cir.), as stated below. Additional guidance may also be posted here.

Employers with pending prevailing wage request: Employers who have a prevailing wage determination request pending that is based on an employer-provided survey may modify that request to utilize a Service Contract Act (SCA) or Davis Bacon Act (DBA) wage determination or a wage based on a Collective Bargaining Agreement (CBA). That request will not be treated as a new filing and the request will be processed based on the original filing date. Employers are reminded that the request must specify precisely which SCA or DBA wage determination is being used or provide a copy of the Collective Bargaining Agreement. In the absence of such a request, the NPWC will issue the prevailing wage determination based on the OES mean for the occupation.

Employers who have received a prevailing wage determination: Employers who have already received a prevailing wage determination based on an employer-provided survey but who have not yet filed their application with the Chicago National Processing Center (NPC) may request a redetermination from the National Prevailing Wage Center irrespective of the time limits set forth in 20 CFR 655.10(g). An employer who has received a prevailing wage determination based on an employer-provided survey may use the survey-based wage rate in its recruiting. Employers who have filed their application with the NPC, and whose applications are adjudicated favorably, will receive a supplemental prevailing wage determination (SPWD) based on the OES mean for the occupation, along with the certification. The SPWD will provide the opportunity to seek a redetermination under 20 CFR 655.10(g). If, upon redetermination, the use of an alternative wage source (SCA, DBA, or CBA) is approved, the employer should return the original certification to the NPC and a new certification will be issued.

Dec

19 **New 2015 H-2A Adverse Effect Wage Rates (AEWRs).**

The Department has published a notice in the Federal Register announcing new Adverse Effect Wage Rates (AEWRs) for each state, based on the Farm Labor Survey conducted by the U.S. Department of Agriculture. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment for a particular agricultural job and area, so that the wages of similarly employed U.S. workers will not be adversely affected. To read the Federal Register notice please click [here](#).

Dec

17 **December 17, 2014. Federal Register Notice of Intent to Issue Declaratory Order; Request for Comment within 30 Days.**

The Department of Labor has published in the Federal Register a Notice of Intent to Issue a Declaratory Order applicable to the Temporary Non-agricultural Employment H-2B Program. To read the Notice, please click [here](#).

Dec

9 **December 9, 2014.**

Effective December 8, 2014, the Department is no longer issuing prevailing wage determinations in the H-2B program based on employer provided wage surveys. This action is in response to the Court order entered December 5, 2014 in *Comite de Apoyo a los Trabajadores Agrícolas et al v. Solis*, No. 14-3557 (3rd Cir.). The Court's order vacated the portion of the H-2B wage rule (20 CFR § 655.10(f)) and 2009 Wage Guidance permitting the use of such surveys. Therefore, Prevailing