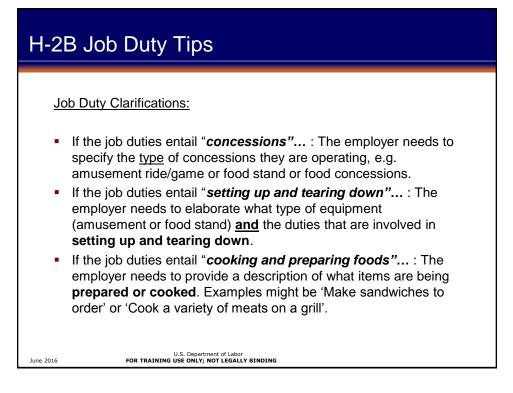


<section-header><list-item><list-item><list-item><list-item><list-item><list-item><list-item>

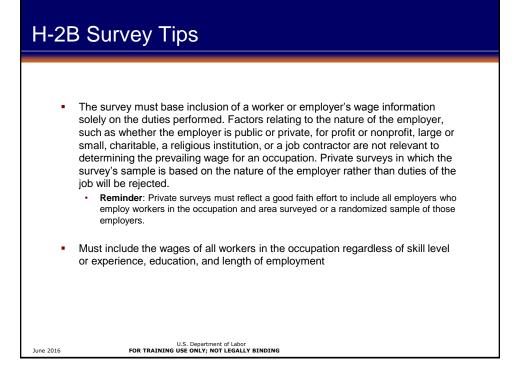
H-2B Job Duty Tips Reminder: Job Duties: The employer is to describe the job duties, in detail, to be performed by any worker filling the job opportunity. They are to specify the field(s) and/or product(s) involved, any equipment to be used, and pertinent working conditions. The duties provided must be specific enough to be classified under a relevant SOC pursuant to the O*Net publication. All job duties must be submitted on the form. Job Duty Clarifications: If the job duties entail "loading and unloading"... · Due to brevity of most of the submitted job descriptions, it is difficult to determine what the load/unload duties actually entail. The employer must clarify what the position is loading and unloading; since, some cases are unclear if the load/unload duties are to and from a truck or movement within the workstation. U.S. Department of Labor FOR TRAINING USE ONLY; NOT LEGALLY BINDING June 2016

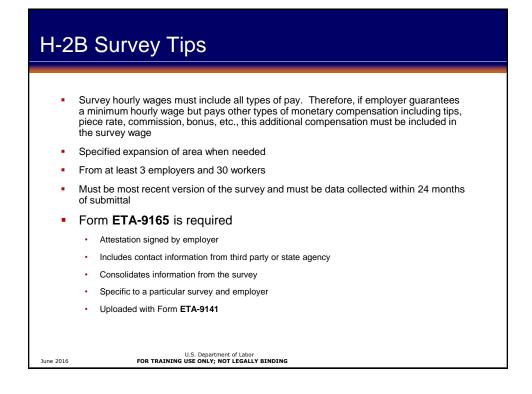


H-2B Survey Tips						
 Employer requests for a prevailing wage determination based on a private wage survey submitted on or after December 19, 2015, must be accompanied by the revised Form ETA-9165. The CO will issue a Request for Information requiring the employer submit the revised Form ETA-9165 for any survey-based request for a prevailing wage determination submitted without the revised Form ETA- 9165. 						
 Because the 2016 DOL Appropriations Act required DOL to accept "statistically supported" private surveys, there is no longer any distinction between State surveys and surveys that are conducted by private entities. Accordingly, DOL interprets the term "private survey" to include both: 1) government surveys not conducted or issued by DOL and 2) nongovernment surveys conducted by private individuals or organizations who are <i>bona fide third parties</i>. 						
 Employer-provided surveys must provide the single arithmetic mean of the wages paid to all workers in the occupational classification within the area of intended employment, regardless of skill level or experience, education, and length of employment. Reminder: Where the survey provides only a median, not an arithmetic mean, a median wage will be acceptable. 						
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H-2B Survey Tips								
•	The surveyor may provide a chart showing the total compensation paid during the period and the hours worked for that pay , then summing those values across all employers and dividing the total hours into the total pay resulting in an <u>hourly rate</u> .							
•	Next is an example of a possible way to show what was mentioned above.							
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	Sample Com	pensation	Calculation Tal	ole			
Employer. Fill this column Workers: Fill this column							
eported were used in the			s nours and wages	s non any	portion of the period		
Compensation: Fill this col			s paid during the p	eriod repo	rted. Use the definition		
elow to decide what to inc		0					
					period. Base rate pay, cost-		
					issions and production		
bonuses, tips, and on-call pay are included in a wage. Back pay, jury duty pay, overtime pay, severance pay, shift differentials, nonproduction bonuses, employer costs for supplementary benefits, and tuition reimbursements are							
excluded. [http://www.	,	1 2	11 2	,			
Total Hours: The sum of all		1.	· 1				
Total Row: Sum the values in Hourly Rate Row: Divide the	1		,				
<i>Tourty Rate Row</i> . Divide the	Total Hours III to	o ule Total Coll	ipensation (Compens	ation in \$/1	iours) giving a \$/iii value.		
	Employer	Workers	Compensation	Hours			
			compensation				
	Α	5	\$8,272.08	802			
	В	5 7	•				
		-	\$8,272.08	802			
	B C D	7 23 19	\$8,272.08 \$11,189.18 \$42,002.76 \$38,890.72	802 918 3678 3344			
	B C D E	7 23	\$8,272.08 \$11,189.18 \$42,002.76 \$38,890.72 \$8,042.66	802 918 3678 3344 794			
	B C D E Total	7 23 19	\$8,272.08 \$11,189.18 \$42,002.76 \$38,890.72 \$8,042.66 \$108,397.40	802 918 3678 3344			
	B C D E	7 23 19	\$8,272.08 \$11,189.18 \$42,002.76 \$38,890.72 \$8,042.66	802 918 3678 3344 794			
	B C D E Total Hourly Rate	7 23 19	\$8,272.08 \$11,189.18 \$42,002.76 \$38,890.72 \$8,042.66 \$108,397.40	802 918 3678 3344 794			







 A third party has no stake in the outcome of the survey, but only in producing a survey product that meets statistical and regulatory standards

Important Note: Any H-2B employer or any H-2B employer's agent, representative, or attorney are not bona fide third parties

- A state agency is also a third party and includes entities such as colleges, universities, agricultural extension services, and maritime agencies
- Employer associations could be considered bona fide third-parties
 - An employer association covering a mixture of employers who do and do not hire workers under H-2B will likely be appropriate
 While one only covering those who hire H-2B workers will not
- The third party may be a company who produces the survey as a published work, to include continuous updates, or on commission

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Disclaimer

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Questions and/or Comments							
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