

Methodology

Immigration Analyses as found in the Geographic Assessor® & Pay Survey

The **Geographic Assessor® & Pay Survey** application and databases provide the ability to compare actual salary survey extracts with OEWS and other government published data. The **Geographic Assessor** application and databases bring together US OEWS data, US Census data, **eDOT** job descriptions, and salary survey input capability.

Data presented in this report are OEWS wage data downloaded from the Foreign Labor Certification Data Center Online Wage Library (OFLC Online Data Center). These data have not been modified and the report presents the wage mean along with 4 levels as required by the DOL.

While this report contains OEWS-provided data, reports obtained from the Geographic Assessor provide additional value and functionality than that provided by the FLC website or iCERT portal. This includes the ability to automatically match a specific job title to the broad SOC job families used by the OEWS. These matches also include the job description along with the broad SOC job family description to ensure that a proper job match has been made. The Geographic Assessor also provides a quick way to identify the appropriate OEWS area for the wage data.

Immigration Analysis Reports: OEWS Data Tab

The **OEWS Data** tab displays Occupational Employment and Wage Statistics (OEWS) Prevailing Wage Rates for 2021-2022 H-1B Estimates. Data shown are that reported by the US Department of Labor for the last three years.

Rates have been enhanced with two calculated columns: Level 2 and Level 3. This is due to the fact that, as of March 28, 2005, new ETA 9089 rules call for surveys to provide at least four levels of wages. The Consolidated Appropriations Act, 2005 amended Section 212(p) of the INA, 8 U.S.C. 1182(p) now provides that: (3) The wage required to be paid pursuant shall be 100 percent of the prevailing rates, and:

4) Where the Secretary of Labor uses, or makes available to employers, a governmental survey to determine prevailing wage, such survey shall provide at least 4 levels of wages commensurate with experience, education, and the level of supervision. Where an existing government survey has only 2 levels, 2 intermediate levels may be created by dividing by 3 the difference between the two levels offered, adding the quotient thus obtained to the first level, and subtracting that quotient from the second level.

Please note: Values shown are not to be used for nonprofits, colleges and universities, college and university operated federally funded research and development centers, and certain research agencies. OEWS job families compress 24,000 **eDOT** jobs into 801 job families, many containing hundreds of specific occupations including paraprofessionals and first line supervisors.

This report shows a comparison of the latest **OEWS Level 4 Mean** and the most recent **Assessor Series®** values for the same job. When an estimated overpayment is present, survey data such as that found in the Survey Comparison tab may provide additional information.

SOC Code

The **SOC Description** tab illustrates the unedited job description from the Standard Occupational Classification (SOC) Dictionary of Occupations. The description shown is based on the six-digit SOC code for the job selected on the Immigration Analysis main tab.

Immigration Analysis Definitions

BLS Area (MSA)

A Metropolitan Statistical Area (MSA) may cross state lines. It is typically made up of a collection of counties (except for New England states). ERI has taken this construct and applied it to other countries (e.g., Canada's counties, UK's unitary aggregates, etc.).

BOS Area

A state defined, non MSA "Balance of State" area with most states having four BOS areas.

Census Sectors

The Census uses its own geographic classification. Census sectors consist of counties or combinations of adjacent counties where single county populations do not meet a minimum threshold.

Cell

Population and wage data provided by the US government are defined by cells (i.e., Nationwide, Statewide, BLS area, or BOS Area). BLS surveys 801 occupations in 686 (plus state) areas, for a total of 549,486 detail level cells. They then estimate various statistics for each cell. For the OEWS estimates, BLS looks at data collected from the relevant area when calculating the cell estimates. In order to release the data, the value must meet statistical and confidentiality criteria. If the statistical or confidentiality criteria are not met, the cell is left blank. For example, a BLS-OEWS report for the state of Iowa may include only 200-300 occupations in the rural area because the other cells are suppressed. It may include 500-600 for the MSA's and all 801 for the statewide estimates. Census data follows a similar grouping of cell path with 477 occupations and 1,430 census sectors.

Immigration Analysis - Level 1 Wage

The median of the lower third of the weighted wage data

Immigration Analysis - Level 2 Wage

The median of the upper two-thirds of the weighted wage data

Alien Labor Certification (ALC) Data

Data is generated to meet the specific, statutory needs of the Foreign Labor Certification program each year within the United States. The estimates are calculated from the same base data (i.e., OEWS Statistical Survey), using different statistical methodologies. The main difference with the ALC data is that, where insufficient local data are available, the ALC may report data from contiguous areas or substitute state or national data for prevailing wage determination purposes. So, if in the Greenville area a certain occupation would be suppressed, the geographic area is expanded to include contiguous areas (Geography Level 2). If, at that level, the occupational data meet the confidentiality and statistical criteria, then the data from the larger area is used to fill the cell. If the criteria are not met, then the area is expanded again to include the entire state's data (Geography Level 3). If the criteria cannot be met using statewide data, then the nationwide data is used (Level 4). So, in the ALC data, the geography level for each occupation will always be the smallest area in which the data meets confidentiality and statistical reliability estimates.

The statutory regulations for the Foreign (Alien) Labor Certification programs require that BLS provides four levels of wages for each occupation.

Hourly wage rates are provided for most occupations. Occupations in which workers do not generally work 2,080 hours per year, such as teachers and pilots, have annual wage rates reported instead. The highest mean wage estimate is \$115.44. Wages above that amount are not estimated. The highest wage estimate for the mean of the first third and the mean of the upper two thirds of the distribution is \$94.79 and \$127.79 respectively. In these files, \$90.00 per hour or \$187,200 per year indicates that the actual wage estimate is some wage above that amount.

In 2005, the Regs for H-1B visa wage comparisons were altered to allow for the use of a median wage figure if an employer-provided survey does not contain an arithmetic mean. Still, ERI recommends (and builds into the **Geographic Assessor**) the use of only OEWS data supplied by the US government. The practical reason is that OEWS data is typically low (except for those jobs that include first-line supervision).

Selection of Positions and Matching of Comparable Positions

ERI utilizes a proprietary and customized form of Semantic Analysis in the collection of data and the selection of comparable positions using the Search String field in the Enter New Job function. ERI **Assessor Series**, the **eDOT Project**, ERI Internet applications and Distance Learning Center use **Semantic Analysis** for advanced skill set matching. This new methodology (patent pending) allows a subscriber to specifically define job function, related skills and experience by typing in descriptive words (or job title).

Semantic Analysis allows subscribers to benchmark their rates against the most current data available. All **Assessor Series** and **eDOT** databases are updated on a real time basis with the ERI fileservers gathering data at the rate of over a 2.5 million unique inputs a month, meaning some data elements are changed and improved every second.

Frequently Asked Question:

*In addition to the **Geographic Assessor Immigration Report (OEWS Data)**, ERI also publishes the **Salary Assessor® & Survey**. Can I use the data from the **Salary Assessor** for immigration purposes?*

Unlike the **Geographic Assessor**, the **Salary Assessor** application database norms report medians and projected means. Salary Assessor data should not be used for immigration submissions as single year, weighted averages are not reported, nor is the consensus result (of a combined analysis of numerous surveys) considered to be a single "private survey" by many states. OEWS data, as shown on the **Geographic Assessor**, is totally acceptable for immigration analyses.

In addition to the OEWS data reported by the FLC, the Geographic Assessor provides a market rate salary for the specific job in the geographic location of interest. While this market rate salary cannot be used alone as a prevailing wage, it will allow the user to identify situations where the Level 4 OEWS data would result in an overpayment. This can occur because the broad SOC job families can be composed of jobs with significantly different market-rate salaries. This can also occur when the OEWS area (MSA or BOS area) does not correspond to the geographic area of interest to the user. The Geographic Assessor provides links to salary surveys (ERI Salary Surveys) that meet the DOL requirements for an independent authoritative wage source that may be submitted in lieu of OEWS data.

ERI Salary Surveys are unique sources containing data gathered online using ERI's patent for a "system and method for retrieving and displaying data, such as economic data relating to salaries, cost of living and employee benefits" (Patent Nos. 6,862,596 and 7,647,322). These surveys differ from the **Salary Assessor** application databases' Survey Mean (derived from a consensus mean of multiple surveys) in that they represent a single, traditional survey. Whether acceptable to the government or not, this data provides a unique look at competitive practices. It allows one to ascertain whether independent, private salary survey data may be more favorable than OEWS data.

Citing the DOL:

What wage sources qualify as "independent authoritative sources" for purposes of determining the prevailing wage in the LCA program?

The term "independent authoritative source" is defined in 20 CFR 655.715 and for purposes of prevailing wage determinations, an employer may use or request the consideration (by the NPWC) of a published survey of wages produced by an independent authoritative source. The independent authoritative source survey must meet three main requirements:

1. It must reflect the average wage (i.e. the weighted average or, if the survey provides a median rather than a weighted average, the median) paid to U.S. workers who are similarly employed in the area of intended employment;
2. It must be based on recently collected data, e.g. data that was collected during the 24-month period before the date on which the survey was published; and
3. The survey must be the most recent survey published by that independent authoritative source for the occupation in the area of intended employment.

ERI Salary Surveys meet the first two requirements and meet all requirements when the employer submits the most recent survey.

NOTE: Because the DOL does not pre-approve any salary survey as an independent authoritative source, it cannot be guaranteed that ERI Salary Surveys will always be accepted with any specific application. It is also up to the employer to ensure that the survey covers the appropriate job family and geographic area appropriate for the application.

In addition, to facilitate comparisons, **ERI's** 24,000+ job titles are cross-walked to the new Standard Occupational Classification SOC codes. The SOC includes 22 major groups and 801 detailed occupations.

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Patent Nos. 6,862,596 and 7,647,322**