

Department of Labor Significantly Increases Prevailing Wages

Elizabeth Pryzbysz
11.24.2020

On October 6, 2020, the Department of Labor (DOL) issued a new rule entitled “*Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States*,” amending the regulations governing permanent labor certifications and Labor Condition Applications to incorporate changes to the computation of prevailing wage levels. Under this new rule that went into effect on October 8th, the DOL is changing its computation of wage levels under the Department’s four-tiered wage structure based on the Occupational Employment Statistics (OES) wage survey administered by the Bureau of Labor Statistics (BLS). This new rule significantly increases the prevailing wages which are required to be paid to all H-1B, H-1B1 and E-3 workers. The rule also changes the prevailing wage levels 1-4 from the 17th, 34th, 50th and 67th percentiles to 45th, 62nd, 78th and 95th percentile of surveyed wages.

According to the DOL, the primary purpose of these changes is “to update the computation of prevailing wage levels under the existing four-tier wage structure to better reflect the actual wages earned by U.S. workers similarly employed to foreign workers. This update will allow DOL to more effectively ensure that the employment of immigrant and nonimmigrant workers admitted or otherwise provided status through the above-referenced programs does not adversely affect the wages and job opportunities of U.S. workers.”

Practice Areas

Business Immigration
Counseling and
Transactional