

**MEMORANDUM**

**TO: Labor Condition Application File (PAF)**

**FROM: \_\_\_\_\_**

**RE: Prevailing and Actual Wage Memorandum for the position of: \_\_\_\_\_**

The following summarizes compliance with the actual and prevailing wage requirements for the H-1B position of \_\_\_\_\_ with Case Western Reserve University (CWRU) in the department of \_\_\_\_\_ in Cleveland, Ohio. This memorandum is solely for the purposes of compliance with the U.S. Department of Labor requirements in connection with the Labor Condition Application of CWRU to be filed in support of its proposed H-1B employment.

**ACTUAL WAGE:**

Based on its review of the major job duties, responsibilities, functions, requirements and other legitimate business factors, CWRU has determined that there are no other similarly situated employees in the position of \_\_\_\_\_ at this location who will be performing substantially similar duties to that of this position.

Because there are no similarly situated employees, there is not controlling actual wage. The wage to the H-1B worker is based on the following legitimate factors: education, experience, years of service to the University and the skills that an individual has with a particular technology. Based upon this analysis, the wage being paid to this foreign national is at least \$ \_\_\_\_\_ per \_\_\_\_\_.

**PREVAILING WAGE:**

The following summarizes compliance with the prevailing wage requirements for the intended H-1B position of \_\_\_\_\_. For the purposes of this analysis only, CWRU considers the job in question to fall within the O\*Net classification of \_\_\_\_\_,  
\_\_\_\_\_

In determining the prevailing wage in this case, the University relied upon OES Wage Surveys for the Education Industry database, updated in 2018. A copy of the pertinent material from the OES Wage Survey is attached. In accordance with “The H-1B Visa Reform Act of 2004,” the survey now provides 4 wage levels for the \_\_\_\_\_ occupation and Level \_\_\_\_\_ accurately reflects the level of responsibility and prior experience associated with this position. The wage statistics being used are for ACWIA-Higher Education Industry for Cleveland, Ohio, the location where the H-1B employee will be employed.

The OES Wage Survey meets the Department of Labor's criteria of a "legitimate prevailing wage source" for the following reasons:

- (1) It is published by the Department of Labor within the 24-month period immediately preceding the (prospective) filing of the Form 9035 Labor Condition Application;
- (2) It reflects the average wage paid to workers similarly employed in the area of intended employment;
- (3) It is based on recently collected data, specifically, data collected within the 24-month period immediately preceding the data of the survey's publication;
- (4) It is the latest published prevailing wage findings by the OES Online Wage Library for the occupation in the area of intended employment.

Based on the above analysis, the prevailing wage for this position is \$\_\_\_\_\_. Since this foreign national will be compensated at a rate of at least \$\_\_\_\_\_ per \_\_\_\_\_, the actual wage \_\_\_\_\_ the prevailing wage. A copy of the pertinent materials from the OES Online Wage Library is attached.

**NOT H-1B DEPENDENT:**

The University is not an H-1B dependent employer. Far less than 15% of the University's total workforce is comprised of H-1B employees.

**WORKING CONDITIONS & BENEFITS:**

Neither the working conditions nor the benefits of the University are affected by the employment of this H-1B employee. The H-1B employee will work normal business hours and has been offered the same benefit package as the University's other employees.

**CONCLUSION:**

Based upon the foregoing, since the actual wage exceeds the prevailing wage, CWRU has complied in good faith with the Department of Labor's requirement that it pay the H-1B worker at least the prevailing wage; or, the greater of the prevailing wage or actual wage for the position.