

LCA DATA COLLECTION PROCESS

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standard wage ranges for foreign workers

standard wage ranges are integral to providing foreign workers a fair wage for their employment period

what standard wage ranges are used for

a standard wage range enables a sponsoring company to know what the prevailing or justified range of wages is owed to their sponsored employee. this wage range will make it possible to determine what specific wage level is required later in a labor condition application based off of the workers skills and qualifications.

how standard wage ranges are aquired

standard wage ranges are aquired through using the flag.dol.gov website. this website enables a user to find wage data for foreign workers coming to the us on employment-based visas.

the flag.dol.gov website can give a accurate range of wages based off a combination of factors that you input into the search function within the wage data section of the website. factors such as:

- location of proposed worksite (country, city, town)
- specific area of proposed worksite (county)
- specific job title of foreign worker
- type of industry that the foreign worker is apart of

how o*net can find the correct job title

o*net (the occupational information network), is a source website sponsored by the department of labor to allow people to search for wage data.

a foreign workers job title will need to be translated into one of the many predetermined o*net job titles based on how well their foreign job description matches with one of the o*net job descriptions.

o*net uses a variety of factors to determine which predetermined job title could match a foreign workers job title including:

- foreign workers current wage range
- foreign workers current job duties
- foriegn workers past education or obtained degrees
- foriegn workers current supervisory duties

wage levels for foreign workers

a wage level is a specific numerical wage within a wage range and allows foreign workers to know the exact range they should be paid based on their expertise and qualification

calculative methods for finding wage levels

finding a specific wage level within a wage range requires a calculative method. often law firms use their own custom methods to meet this requirement

methods include:

- google sheets or microsoft excel calculative spreadsheets
- contacting the department of labor directly to receive a certified wage level for the foreign worker

information that the calculative methods use

whether a law firm uses the department of labor or their own calculative method, the same information will be used to determine the wage level, such as:

svp range	the svp range measures the amount of training required for a specific occupation
experience requirements	the amount of experience needed to satisfy both the sponsored companys and o*nets predetermined job descriptions
educational requirements	the amount of education or degree needed to satisfy both the sponsored companys and o*nets predetermined job descriptions
special skill requirements	skills such as speaking another language or special licences and certifications
supervisory duties requirements	duties that involve the management of other employees or entire company teams

determining the correct wage range in a labor condition application

the wage range acts as a way to tell what is the correct wage a foreign, non-immigrant worker should be paid based on the area and expertise bracket they are in

- you must have access to the department of labor's wage website (flag.dol.gov) and the USCIS website
- you must have the foreign workers job description, job title, education, and expertise information

the correct wage range will enable the creation of the larger labor condition application for a foreign company

1. navigate to the homepage of the flag.dol.gov website
2. navigate to oflc wage search within the wage data tab
3. fill out fields within this page with the job description information you have for the company sponsoring the foreign worker
if you do not know the o*net occupation code for the given job description, you can use the o*net occupation code search bar located on the same page to find it
implementing the parameters, *data science* will result in the query result of multiple careers dealing with data science with more specific job descriptions and their corresponding o*net code

once you have filled out the required fields, a range of wages should appear corresponding to the data you inputted

this wage range is required to determine the correct wage level for the labor condition application

finding the correct wage level in a labor condition application

finding the correct wage level will determine which specific wage you will use out of the foreign workers wage range for their job description and expertise level

- you must have a wage range for your foreign workers job description and expertise level
- you must have access to your law firms calculative method for determining the wage level
- you must have all of the required documents your specific petition requires for submission

once a wage range and a wage level is found, then the exact required wage for the foreign worker can be determined

1. determine your law firms calculative method for determining a wage level
law firms may differ in the methods they use but they must meet USCIS determination standards

Indicator	Job Offer Requirements	O-Net Usual Requirments	Comments	Wage Level Result
SVP Range		SVP Range=		1
Step 1. Experience	How Many Years Does the Employer Require	How Many Years Does This Position Require on O- Net		0
Step 2. Education	What Degree Does the Employer Require	What Degree Does the Position Require on O-Net		0
Step 3. Special Skills	Y/N	Y/N		0
Step 4. Supervisory Duties	Y/N	Y/N		0
				Wage Level (0)

2. determine job description svp range

locate the svp range for the foreign workers job description on the given job titles home page on o*net

3. determine the expertise requirements

a) input the years of experience required by both the employer and the o*net job description

if the numbers are equal then input a 0

if the number of years required by the employer are higher than the years required by o*net, input a number according to the numerical difference between the two

if the employer requires 3 years and o*net requires 1, then add 2 to the sum of the final number

4. determine the educational requirements

a) input the degree required by both the employer and the o*net job description

if the degrees are equal then input a 0

if the degrees required by the employer are higher than the years required by o*net, you will input a number according to the numerical difference between the two

if the employer requires a masters degree and o*net requires a bachelors degree, then add 1 to the sum of the final number

5. determine the special skills requirement

only add a number 1 to the sum of the final number if the foreign worker has any technical or special skills as determined by USCIS standards

6. determine the supervisory duties requirement

only add a number 1 to the sum of the final number if the foreign worker has any supervisory duties as determined by USCIS standards

the sum of the final number will determine the corresponding single digit number within the wage range for the foreign worker

types of petitions that require lca

the different types of procedures can provide additional information that is beneficial to petition creation

petition types

petition	eligible countries	entry purpose
h-1b	any country nationality	specialized knowledge
h-1b1	chile and singapore	specialized knowledge
e-3	australia	specialized occupation

required documents for the labor condition application

knowing the correct documents to collect prior to filling out the lca can expedite the application process

required documents from employee

- address of residence in us
- evidence showing special skills
- evidence showing supervisory duties
- resume/cv

required documents from employer

- address of proposed workplace(s)
- official job description
- offer letter for position
- proposed wage for position

helpful documents

- certifications of employee
- educational transcripts of employee
- hierarchy of company employees
- letter(s) of support from employee
- pay structure of sponsoring company