

LCA APPLICATION COMPLETION 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

labor condition application information

the labor condition application is a form that employers must file in order to hire a prospective non-immigrant foreign worker for their company to ensure they are providing proper wages

purpose of the labor condition application form

the labor condition application form, form 9035 and form 9035e, is used by the department of labor to ensure foreign workers are being paid the correct amount of wages based on the geographical location and expertise required of the proposed job by the sponsoring company. it takes into account the expertise and education of the foreign worker to ensure they are being paid more for special skills or supervisory duties.

it demonstrates that the proposed job by the sponsoring company could not be filled by any us applicants and therefore, the company needed to look internationally to fill the position.

once the department of labor approves the labor condition application form, the company can then start the process of filing the complete foreign workers petition.

types of petitions that use the labor condition application

only certain types of petitions require a labor condition application. the petitions that do require a labor condition application are specifically non-immigrant, employment-based, petitions such as:

- h-1b petitions
- h-1b1 petitions
- e-3 petitions

completing the labor condition application form

completing the labor condition application enables you to submit a calculated wage to the department of labor for certification and authorization to enable a foreign worker to be hired by a sponsoring company in the us

- you must have a predetermined wage level to input into the labor condition application based off of the foreign workers job description
- you must have access to a registered account on the flag.dol.gov website

the purpose of the labor condition application is to protect against financial exploitation of foreign workers while they are working in the us

1. navigate to the flag.dol.gov website
2. use the sign in tab located on the home page to enter your registered account details
3. select form 9035 or form 9035e from the menu of available forms to complete
4. select the type of specific type of petition you are completing for this labor condition application
a legal assistant would select h-1b from the menu if their labor condition application is for a h-1b petition
5. fill out the form by going through each section alphabetically with the wage range, wage level, and job description information for the foreign worker
6. navigate to the save and quit button and exit the form
it is only recommended to submit the form if a supervising attorney approves

search functions offered within o*net

understanding the different search functions of o*net can help a user find a applicable o*net job title equivalent for a foreign worker faster

category	function aim	sorting methodology
bright outlook	shows occupations with many future openings	popular and vital occupations
career cluster	shows occupations that are closely related	similar occupations
hot technology	shows occupations that require currently popular tech and software skills	requirment of specific technology skills
industry	shows occupations grouped by certain buisness industries	categories of buisness types
job family	shows occupations based on similar skills, training, credentials to one another	similar occupational requirements
job zone	shows grouped occupation on scale 1-5 based on level of training preperation required	specific training requirements
stem	shows occupations specifically in science, engineering, mathematics, and technology fields	occupational field