

Auburn University

Office of International Programs

International Student and Scholar Services

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<http://www.auburn.edu/academic/international/iss/>

Prevailing Wage Information Request

Prevailing Wage Determination Processing

For all prevailing wage determinations, the ISSS office will use a law firm to ensure a fair, accurate, and fast turn-around response for departments. Using the services of a law office for prevailing wage determination will cost the department a minimum of \$100 (or up to a maximum of \$175.00) per request. It is of note that a prevailing wage determination originating from a law office does not benefit from the safe harbor provision. While the law office will make every effort to make the correct prevailing wage determination, in the event that the Department of Labor disagrees during an investigation, the employing department will be responsible to pay any wage deficiencies ordered by the DOL. The law office generally returns the prevailing wage determination within 7-14 days.

H-1B Processing and Fees

Please keep in mind that Auburn University is the petitioner on behalf of the intended beneficiary (the selected job candidate).

1. **USCIS Fees:** The \$500.00 H-1B anti-fraud fee and the \$460.00 filing fee are required to be paid by the petitioner (Auburn University) under U.S. Department of Labor regulations.
2. **OIP Processing Fees:** The processing fee for an H-1B is \$1,200 to \$1,500. This fee is also to be paid by the petitioner (hiring department, Auburn University).

H-1B Processing Timeline and Premium Processing

The USCIS has a current posted H-1B processing time of 3-8 months (subject to change at any time). The USCIS processing time does not include the amount of time required to obtain a prevailing wage determination and prepare the H-1B petition for filing. If expediting the process is necessary to obtain the approval notice for employment purposes, the OIP will advise the department. Under Premium Processing, the USCIS will adjudicate the petition within 15 calendar days of receiving the petition for an additional filing fee of \$2,500 NOTE: This fee is in addition to the USCIS filing fees and the OIP processing fee. Please notify ISSS if you wish to use the premium processing program.

Prevailing Wages and Actual Wages

The Immigration and Nationality Act (INA) requires that the hiring of a foreign worker will not adversely affect the wages and working conditions of U.S. workers comparably employed. To comply with the status, the U.S. Department of Labor's regulations require that the wages offered to a foreign worker must be the prevailing wage rate for the occupational classification in the area of employment. For more information, please go to:

<http://www.foreignlaborcert.doleta.gov/wages.cfm>

In order to proceed with requesting a prevailing wage determination, please complete the Prevailing Wage Information Request and the H-1B Actual Wage Worksheet and submit to the Office of International Programs for processing.

**Prevailing Wage Information Request
International Student and Scholar Services
Auburn University**

Prevailing Wage Determination Form

Expedited Processing (use of a law firm)

Cost: up to \$175.00

Processing Time: 7-14 days

For billing purposes, a valid chart FOP is required for expedited processing. Your department will not receive any billing directly from a law office for the expedited processing of a prevailing wage determination.

Fund Number: _____

Org Number: _____

Prog Number: _____

Has the candidate been selected for this position: Yes No

If yes, please list the candidate's name: _____

Job Description

Job Title: _____

Rate of Pay: _____ per calendar year per academic year

Job title of immediate supervisor of selected candidate: _____

Position must be a full-time benefits eligible position.

Does this position supervise the work of other employees? Yes No
(Not including students or grad assistants)

If yes, list number of employees the selected candidate will supervise: _____

If yes, please indicate the level of the employees to be supervised: Subordinate Peer

Job Duties: **Attach a copy of the detailed job description.**

Will travel be required in order to perform the job duties? Yes No
(Travel is defined as travel that is necessary to perform the job duties. Do not include travel to professional conferences.)

If yes, please explain the travel requirements: _____

Will the position include teaching responsibilities? Yes No

If yes, please explain: _____

Minimum Job Requirements

Education - Minimum U.S. diploma/degree required:

Bachelor's Master's Doctorate (Ph.D.) Other degree (DVM, JD, etc.)

If "other degree" is selected, please specify the diploma/degree required: _____

Indicate the major(s) and/or field(s) of training required: _____

Does the employer require a second U.S. diploma/degree? Yes No

Is training for the job opportunity required? Yes No

If yes, specify the number of months of training required: _____

Indicate the field(s)/name(s) of training required _____

Is employment experience required? Yes No

If yes, specify the number of months of experience: _____

Indicate the occupation required: _____

Special Requirements - List specific skills, licenses/certificates/certifications, and requirements of the job opportunity: _____

Place of Employment

Department Name: _____

Address: _____

(Actual location for the position)

City: _____ County: _____ State: _____ Postal Code: _____

Will work be performed in multiple worksites with an area of intended employment or a location(s) other than the address listed above? Yes No

If yes, identify the geographic place(s) of employment with as much specificity as possible. If necessary, submit an attachment to continue and complete a listing of all anticipated worksite: _____

Department Signature: _____ Date: _____

Dean's Office Signature: _____ Date: _____

H-1B Actual Wage Worksheet
International Student and Scholar Services
Auburn University

INSTRUCTIONS for Faculty Positions

Federal law requires an employer to pay the higher between the actual wage and the prevailing wage. The actual wage is the “wage rate paid by the employer to all other individuals with experience and qualifications similar to those of the H-1B nonimmigrant, for the specific employment in question.”

Determining the Actual Wage for *Faculty Positions*

New Hire: The average wage should be determined by comparing similar positions during the time period of the hire date. (i.e., 2020/2021 fiscal year). Follow instructions below to determine the average wage.

Extension or change of status for a current employee: The average wage should be determined by comparing similar positions during the time-period of the request for the extension, not the hire date (*i.e., The employee was hired in 2018, but the request for an extension is made in 2021. The comparison should be made for employees hired in 2020/2021 fiscal year.*). Follow instructions below to determine the average wage.

Instructions

Review the job title, department, and job duties (for research positions also look at the area of intended research). Only review positions that are similar/same.

Do not include part-time positions – H-1B’s are required to be full-time benefits eligible positions.

Only include employees holding the same FT (i.e., if the position is a 9-month position, do not include 12-month positions for comparison).

If there are any employees holding a similar/same position and an individual makes a higher salary, review the hiring proposal to determine if the salary was due to previous teaching experience, experience in the private sector, etc. Individuals who have a significant amount of experience should not be included in the determination. If there is a small/narrow amount of experience, the employee should be counted in the average wage determination.

Determine the Average Wage

After the list of employees holding a similar/same position has been determined:

Add the total wages for the employees and divide by the number of employees. This is the average wage that should be documented on the Average Wage form.

The list of employees used to determine the average wage, including any employees that were included that had a higher salary, should be listed on the Actual Wage worksheet.

If there are no employees holding a similar/same position, the average wage is the wage paid to the H-1B worker. This is the average wage that should be documented on the Average Wage form and the appropriate box checked on the Average Wage Worksheet.

H-1B Actual Wage Worksheet International Student and Scholar Services Auburn University

Form must be completed by the Senior HRL/Human Resource Sr. Manager for the College.

Federal law requires employers to document that H-1B workers will not be paid less than the actual wage paid to other similarly employed workers at Auburn University. Please provide the required information on similarly employed workers in the hiring department/unit. ***For faculty positions, refer to the instructions on the previous page.***

*Note that limited grant or departmental funding, or market conditions, cannot be used to justify paying the H-1B worker a lower salary.

Department/Unit Name: _____

Position Title: _____

Actual Wage: _____

Check this box if there is no other employee holding this position title besides the H-1B worker

List the names, annual salaries, and work hours of the employees that are similarly employed to the H-1B worker. If the salary of the listed employee(s) is higher than that offered to the H-1B worker, provide a detailed explanation that justifies the higher salary based on the following criteria:

Employee Name	Annual Salary	Hours per Week	Explanation of Higher Salary

I hereby certificate that the information entered above is accurate to the best of my knowledge.

Form Completed By: _____ Phone Number: _____
Senior HRL/Human Resource Sr. Manager

Signature: _____ Date: _____