

<b>U. S. Department of Labor</b> Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION <b>ES</b>
	CORRESPONDENCE SYMBOL <b>TEES</b>
	DATE <b>May 26, 1998</b>

DIRECTIVE: GENERAL ADMINISTRATION LETTER NO. 2-98, Change 1

TO : ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM : *David Henson for*  
 DAVID HENSON  
 Director  
 Office of Regional Management

SUBJECT : Prevailing Wage Policy for Researchers Employed by Colleges and Universities, College and University Operated Federally Funded Research and Development Centers, and Certain Federal Agencies

1. Purpose. To provide policy and procedural guidance for making prevailing wage determinations for researchers employed by colleges and universities, Federally Funded Research and Development Centers (FFRDC's) operated by colleges and universities, and certain Federal research agencies.

2. References. 20 CFR part 655, subparts H and I; 20 CFR part 656; and *Technical Assistance Guide (TAG) No. 656 Labor Certifications.*

3. Background. The Department recently published a Final Rule at 63 FR 13756 (March 20, 1998) which changed the way prevailing wage determinations are made for researchers employed by colleges and universities, FFRDC's operated by colleges and universities, and certain Federal research agencies. These policies and procedures apply under the permanent labor certification program as well as under the H-1B program for nonimmigrant professionals in specialty occupations.

4. Eligible Entities. All colleges and universities are eligible. A list of the FFRDC's operated by a college or university as of November 4, 1996, is attached. State Employment Security Agencies will be apprised on an ongoing basis of any changes to this list, as well as the names of any Federal research agencies which have successfully petitioned the Director of the U.S. Employment Service to obtain the benefit of the prevailing wage methodology provided by §656.40(c) .

<b>RESCISSIONS</b>	EXPIRATION DATE May 31, 1999
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5. Action Required. State Administrators are requested to:

A. Provide the attached policy and procedural guidance to appropriate staff.

B. Instruct staff to follow these policies and procedures in making prevailing wage determinations for researchers employed by colleges and universities, FFRDC's operated by colleges and universities, and Federal research agencies that have successfully petitioned the Director of the U.S. Employment Service in accordance with the Department's regulations at 20 CFR 656.50 to obtain the benefit of the prevailing wage methodology provided by §656.40(c).

C. Ensure that the state OES coordinator has provided the wage data obtained from the Occupational Employment Statistics (OES) survey supporting these R&D occupations to the alien labor certification unit.

6. Inquiries. Inquiries regarding this memorandum should be addressed to your Regional Office.

7. Attachments.

A. Prevailing Wage Policy for Researchers Employed by Colleges and Universities, College and University Operated Federally Funded Research and Development Centers, and Certain Federal Research Agencies.

B. List of R&D disciplines in colleges and universities under the OES survey.

C. List of FFRDC's operated by colleges and universities.