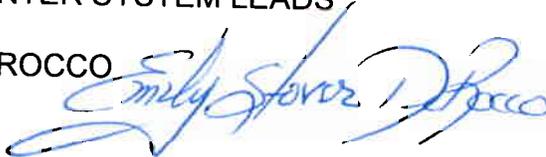


Employment and Training Administration Advisory System U.S. Department of Labor Washington, D.C. 20210	CLASSIFICATION Foreign Labor Certification
	CORRESPONDENCE SYMBOL OWS
	DATE August 7, 2002

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 5-02

TO: ALL STATE WORKFORCE LIAISONS
ALL STATE WORKFORCE AGENCIES
ALL STATE WORKER ADJUSTMENT LIAISONS
ALL ONE-STOP CENTER SYSTEM LEADS

FROM: EMILY STOVER DeROCCO
Assistant Secretary



SUBJECT: Clarification Of Level I And Level II Skill Levels For The Purposes Of
Prevailing Wage Determinations

1. Purpose. To clarify how to assign skill levels to jobs when making a prevailing wage determination for foreign labor certification purposes.

2. References. General Administration Letter 2-98: Prevailing Wage Policy for Nonagricultural Immigration Programs.

3. Background. General Administration Letter (GAL) 2-98, dated October 31, 1997, provided general guidance on how prevailing wages are to be determined for the purposes of foreign labor certification non-agricultural programs. One of the major concepts discussed in that GAL is that of "skill levels in wage determinations." We have been informed that the process of determining skill levels remains one of the least understood and, therefore, most controversial elements of the prevailing wage determination process. The attached questions and answers are intended to clarify the more pervasive of the questions regarding determining skill levels.

The skill levels discussed in this document are found in the on-line wage library on the Foreign Labor Certification web site (OWS.DOLETA.GOV/foreign.asp) and in many popular surveys produced by the private sector. The on-line wage library (based on the

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Occupational Employment Statistics Survey) is provided as a service to users of the Foreign Labor Certification programs.

An employer may provide for prevailing wage purposes a survey done by some source other than the on-line wage library. When this occurs, the survey is to be reviewed against the standards stated in GAL 2-98. If the employer provided survey is found to meet the standards of GAL 2-98, it will be approved, regardless of how the wage found in that survey compares to that found in the on-line wage library. When an employer provides a survey that contains more than one level for the occupation in question, it is the employer's responsibility to provide information to show that the level selected comports with the job description of the job opportunity being requested.

4. Action Required. This information should be made available to all staff involved in determining skill levels for the purposes of prevailing wages and review of labor certification requests. Staff involved in determining skill levels for these purposes are to review these questions and answers and use them when determining skill levels.

5. Inquiries. Direct questions to your regional foreign labor certification officer.

6. Attachment. Q's & A's Regarding Level I and Level II designations in the Employment Certification Program.