

## Department of Labor Significantly Increases Prevailing Wages

---

Elizabeth Pryzbysz  
11.24.2020

On October 6, 2020, the Department of Labor (DOL) issued a new rule entitled “*Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States*,” amending the regulations governing permanent labor certifications and Labor Condition Applications to incorporate changes to the computation of prevailing wage levels. Under this new rule that went into effect on October 8<sup>th</sup>, the DOL is changing its computation of wage levels under the Department’s four-tiered wage structure based on the Occupational Employment Statistics (OES) wage survey administered by the Bureau of Labor Statistics (BLS). This new rule significantly increases the prevailing wages which are required to be paid to all H-1B, H-1B1 and E-3 workers. The rule also changes the prevailing wage levels 1-4 from the 17<sup>th</sup>, 34<sup>th</sup>, 50<sup>th</sup> and 67<sup>th</sup> percentiles to 45<sup>th</sup>, 62<sup>nd</sup>, 78<sup>th</sup> and 95<sup>th</sup> percentile of surveyed wages.

According to the DOL, the primary purpose of these changes is “to update the computation of prevailing wage levels under the existing four-tier wage structure to better reflect the actual wages earned by U.S. workers similarly employed to foreign workers. This update will allow DOL to more effectively ensure that the employment of immigrant and nonimmigrant workers admitted or otherwise provided status through the above-referenced programs does not adversely affect the wages and job opportunities of U.S. workers.”

### Practice Areas

Business Immigration  
Counseling and  
Transactional