

## ACTUAL WAGE DETERMINATION

Before an employer may submit an H-1B petition on behalf of an employee, the U.S. Department of Labor requires that the employer document that the employee will be paid the “actual wage” for his/her position. The actual wage is defined as the range paid to all individuals in the department with similar experience and qualifications as the prospective H-1B worker for the position. The prospective H-1B employee will be considered to be receiving the actual wage if his or her salary falls within or above the range of wages currently paid to comparable employees in the same department. Where no other such employees exist at the place of employment, the actual wage shall be the wage paid to the H-1B non-immigrant.

Name of Employee: \_\_\_\_\_  
*Last* *First* *Middle*

Position Title: \_\_\_\_\_

Please check which of the following factors were considered in determining salary.

- \_\_\_\_\_ Degrees earned
- \_\_\_\_\_ Area of specialization
- \_\_\_\_\_ Previous work experience
- \_\_\_\_\_ Level of responsibility/supervision
- \_\_\_\_\_ Other (Please explain)

Please state the total number of similarly employed individuals for the specific employment in question. If there are no other similarly employed individuals with similar experience and qualifications, please indicate what makes the position unique.

In order to document the actual wage, please list all individuals in the department with the same position title (both non-immigrants and U.S. citizens); similar experience and qualifications (e.g. PhD with 3 to 5 years post-degree experience).

When citing salary differences, the following criteria may be used to show why another employee is being paid at a higher wage than the prospective H-1B employee:

- Employee has more relevant work experience
- Employee has more responsibility
- Employee has higher/more relevant educational credentials.

The following criteria may not be used to indicate why another employee is being paid at a higher wage than the prospective H-1B employee:

- Employee is funded by different grant than the prospective H-1B employee
- Employee has different area of research
- Employee demanded more salary
- Salary freezes
- Insufficient, uncertain, or change of funding

In the spaces below, list all employees in the Department who have the same title, and similar experience and qualifications for the specific employment in question:

*(Use additional pages, if needed)*

<b>Name</b>	<b>Current Salary</b>	<b>Reasons for difference in salary</b>
1.		
2.		
3.		
4.		
5.		
6.		

Further, I attest to the following.

1. The H-1B nonimmigrant will be paid the higher of either the actual wage or the prevailing wage and is eligible for the same benefits as other similarly employed individuals.
2. The employment of this individual will not adversely affect working conditions of the individuals listed above.
3. There is no strike, lockout or work stoppage in this department for the position indicated above. Should such an event occur, the department will notify the ISC immediately.

**SIGNATURE REQUIRED:**

**Hiring Official or Dept. Head:** \_\_\_\_\_

**Date:** \_\_\_\_\_