



# **DataOnDemand** *How-To Guide*

## **Identifying the Prevailing Wage for H-1B Employees**

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# Identifying the Prevailing Wage for H-1B Employees

## What is a prevailing wage and when would I use this information?

Prevailing wage is defined by the Department of Labor (DOL) as “the average wage paid to similarly employed workers in a specific occupation in the area of intended employment.”<sup>1</sup> Within higher education, prevailing wages are typically used when an employer hires an employee who is a foreign worker and has H-1B status. Prevailing wages are also used to determine pay for H-1B employees during nonproductive times.

## How can I use DataOnDemand to obtain prevailing wage information?

CUPA-HR’s DataOnDemand (DOD) tool can be used to identify the prevailing wage for specific positions, as CUPA-HR’s data collection procedures follow all DOL requirements for reporting a prevailing wage. DOD allows you to identify the prevailing wage for any position within seconds. This guide will help you answer the following questions:

- What standards does CUPA-HR follow to ensure all DOL requirements specific to prevailing wage are being followed?
- What is the prevailing wage pay requirement for H-1B employees during nonproductive times?
- How do I identify the prevailing wage for specific administrative, professional, and faculty positions within my institution?

## What standards does CUPA-HR follow to ensure all DOL requirements specific to prevailing wage are being followed?

DOL has strict guidelines for setting a prevailing wage. CUPA-HR’s survey procedures follow all DOL guidelines in identifying and setting a prevailing wage.<sup>2</sup> Specifically, CUPA-HR collects data annually, makes regional comparison groups available to help determine the appropriate prevailing wage, includes job titles and descriptions within CUPA-HR’s [Survey Participation and Information Templates](#), follows all guidelines for agencies stated in the American Competitiveness and Workforce Improvement Act, and calculates the prevailing wage based on weighted averages within CUPA-HR salary data.<sup>3</sup>

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<sup>1</sup> U.S. Department of Labor, Employment & Training Administration. (2020, January). [H-1B, H-1B1 and E-3 Specialty \(Professional\) Workers](#). (Online Article).

<sup>2</sup> To review each DOL prevailing wage guideline and compare to CUPA-HR’s survey procedures, please review CUPA-HR’s [Comparison of DOL OES Wage Guidelines and CUPA-HR Survey Procedures fact sheet](#).

<sup>3</sup> Hahm, J.S. (2000). American Competitiveness and Workforce Improvement Act of 1998: Balancing Economic and Labor Interests Under the New H-1B Visa Program. *Cornell Law Review*, 85(6), 1673-1702. Retrieved from <https://scholarship.law.cornell.edu/clr/vol85/iss6/3/>

## What is the prevailing wage pay requirement for H-1B employees during nonproductive times?

Employees are placed in a non-productive, non-paid status in conditions related to their employment (e.g., furloughs, lack of assigned work, lack of a permit, or studying for a licensing exam).<sup>4</sup> However, per DOL, H-1B employees are required to be paid the prevailing wage during nonproductive times.<sup>5</sup>

## How do I identify the prevailing wage for specific administrative, professional, and faculty positions within my institution?

DOD allows you to create comparison groups based on several factors, such as state, region, affiliation, operating expenses, student FTE, and much more. CUPA-HR provides public comparison groups, such as regional groups that are based on U.S. census divisions, to assist in determining the prevailing wage for a specific position. In addition, you can create your own regional comparison groups from scratch. Using the appropriate comparison group, you can follow the steps below to identify the prevailing wage you are looking for.



### Step 1: Prepare for the Analysis

To identify a prevailing wage, you will make use of the *Prevailing Wage Report* (for administrators, professionals, or faculty) in DataOnDemand. Before beginning your analysis, you will need to gather:

- **Information on which positions you need a prevailing wage for within your institution.** To match your positions to CUPA-HR positions, refer to the [Survey Participation and Information Templates](#) for position numbers and descriptions. If your institution participates in CUPA-HR surveys, your institution's position matches are already in DataOnDemand.
- **Information on the metropolitan statistical area (MSA), primary metropolitan statistical area (PMSA), or census region of your institution.** To construct appropriate comparison groups, you'll need to create a comparison group for your institution's metropolitan statistical area (MSA), primary metropolitan statistical area (PMSA), census region, or other appropriate geographical region in order to adhere to DOL guidelines to identify the prevailing wage. CUPA-HR provides public comparison groups based on U.S. Census regions (e.g., Midwest), but you can also create your own regional comparison group using other selection criteria or a custom list of specific institutions.



*Example: Tenured/tenure-track associate professor of mathematics at an institution within the New York metropolitan statistical area.*

Throughout this guide, we'll use an example to illustrate the process of identifying the prevailing wage for a specific position within a specific region. Let's say you are at an institution

<sup>4</sup> U.S. Department of Labor, Wage and Hour Division. (2016, November). [Fact Sheet #621: Must an H1-B employer pay for nonproductive time?](#) (Online Article).

<sup>5</sup> Ibid.

within the New York MSA and need to identify the prevailing wage for a tenured/tenure-track associate professor of mathematics who is an H-1B-status employee.

First, you will need to review the "Position Descriptions" tab or "CIP Codes" tab of the corresponding [Survey Participation and Information Template](#) to identify the position or discipline where you need to determine the prevailing wage. SPITs can be downloaded from the CUPA-HR website via the link above or directly from DataOnDemand by clicking *Downloads* in the top menu bar, then expanding the sub-menu:

● Survey Participation and Information Templates (SPITs)	
<a href="#">Administrators Survey Participation and Information Template</a> Includes all instructions, position descriptions, upload template, and survey deadlines.	Sep 27, 2019
<a href="#">Professionals Survey Participation and Information Template</a> Includes instructions, position descriptions, upload template, and survey deadlines.	Sep 27, 2019
<a href="#">Staff Survey Participation and Information Template</a> Includes instructions, position descriptions, upload template, and survey deadlines.	Sep 27, 2019
<a href="#">Faculty Survey Participation and Information Template</a> Includes instructions, CIP codes, upload template, and survey deadlines.	Sep 27, 2019

Now that you know the positions or CIP codes for which you wish to identify a prevailing wage, you can proceed to DataOnDemand to begin setting up your comparison group and reports.



## Step 2: Create a Comparison Group

The easiest way to create a comparison group is to make use of the *New Group Wizard* in DataOnDemand. Once logged in to [Surveys Online](#), navigate through the menu to *DataOnDemand > Comparison Groups*. Click the *New Group Wizard* button to get started.

### Comparison Groups

A **Comparison Group** is a set of **Institutions** that you are interested in.

[New Group Wizard](#) [New Group from Scratch](#) [Combine Groups](#)



Our example institution is located within the New York MSA. To adhere to DOL guidelines, we want to create a comparison group that includes only institutions located within this specific MSA. Use the settings below in the *New Group Wizard* to create a comparison group based on this MSA characteristic.

Criteria	Location in Wizard	Selection	Example Screenshot
Include only institutions that are within the New York Metropolitan Statistical Area	<i>Participation and Survey Variables &gt; Other Variables &gt; Metropolitan Statistical Area</i>	NY-New York	

After completing these selections, click the *Search* button to refresh the page and view the table of results at the bottom of the screen. For detailed information about the other filtering options available in the wizard, visit the [CUPA-HR User Guide and Tutorials web page](#).

When using the *New Group Wizard*, always review the institutions identified in the search and verify that the number of institutions is large enough. In general, the more institutions in your group, the more reliable data you can generate.

INSTITUTIONS MEETING FILTER CRITERIA	
	414 Institutions
Institution Name	
Adelphi University (Garden City, NY)	
Air Force Institute of Technology--Graduate School of Engineering & Management (Wright Patterson AFB, OH)	
Alliant International University President's Office (San Diego, CA)	
American University (Washington, DC)	
Andrews University (Berrien Springs, MI)	
<input type="text"/>	

Once you are satisfied with your comparison group, add a name and detailed description of your selection criteria in the boxes below the results, then save your comparison group. This group will now appear in *Your Personal Groups*.

**● Your Personal Groups**

- [2018-19 BA Private Participants \(n=196\)](#)
- [MA Priv](#)
- [MSA-NY](#)
- [Peer Group 2019](#)

To make minor changes like adding or removing specific institutions, you can click the name of the group you just created to open group editing options. However, once this group has been used to run a report it becomes “locked” and cannot be changed by fewer than three institutions at a time. This is a privacy protection to ensure data confidentiality. Therefore, it is important to ensure that your comparison group contains exactly the institutions you want before you go to the next step.<sup>6</sup>

**TIP:** The recommended minimum for most comparisons is at least 30 institutions.

The DOL requires that wage data is from at least 30 employees and three employers.

To increase the number of institutions or employees within your comparison group, broaden your search criteria range or use fewer filters.

<sup>6</sup> U.S. Department of Labor, Employment & Training Administration. (2015, December). [Effects of the 2016 Department of Labor Appropriations Act](#). (Online Article).



### Step 3: Run Your Report(s)

To identify the prevailing wage for a specific position, you'll run the *Prevailing Wage Report* (available for administrative, professional, and faculty positions) in DataOnDemand.

Navigate to *DataOnDemand* > *Survey Reports*, expand the menu for *Reports Organized by What You Want to Do*, and expand the sub-menu for the survey where the position or discipline in which you're interested is found. In the sub-menu, locate *Obtain Data for a Prevailing Wage for DOL*. Click the name of the report you wish to use to begin.

**Survey Reports**

[See Descriptions of the Reports](#)

[Expand all folders](#) | [Collapse all folders](#)

**Reports Organized by What You Want to Do**  
2020 DOD Subscriptions **expire** February 15, 2021.

- Administrators, Professionals, or Staff**  
I want to...
- Faculty**  
I want to...
  - Get detailed salary distribution information for a single discipline
  - Compare salary data across a range of disciplines
  - Examine more than one comparison group
  - Obtain data for a prevailing wage for DOL**  
[Faculty: Prevailing Wage Report](#)
  - Compare salaries of disciplines by weighting to match your institution
  - Obtain data for retention and succession planning
  - Develop new equity and representation

When you click on your desired report, you will arrive at the *Reports Parameters* page. For *Comparison Group*, select the new group you created in Step 2. (You also have the option to run the report with a second comparison group.) Other settings default to our recommended settings (e.g., most recent year, output format). Detailed information for understanding and customizing report settings for all DataOnDemand reports can be found in the [DataOnDemand User Guide](#).

To choose which position to run a prevailing wage for, you'll need to set the *Position* setting (if you are running a prevailing wage for an administrative or professional position), or you will need to set the *Rank, Tenure, and Discipline* settings (if you are running a prevailing wage for a

faculty position) within the *Report Parameters* page. Click the *Go to Report* button at the bottom of the settings page to run the report.



Returning to our example, you are interested in identifying the prevailing wage for a tenured/tenure-track associate professor of mathematics within your MSA of NY-New York. You will now run the *Prevailing Wage Report* for faculty. After setting your *Comparison Group* to the MSA-NY group you just created in Step 2, you will choose *Associate Professor* from the *Rank* drop-down menu, choose *Tenured/Tenure Track* from the *Tenure* drop-down menu, select *27.01 Mathematics* from the *Discipline* drop-down menu, and click *Go to Report* to find the prevailing wage for this specific faculty rank, tenure status, and discipline.

Obtain data for a prevailing wage for DOL: Faculty: Prevailing Wage Report

REPORT PARAMETERS

COMPARISON GROUP 1  
MSA-NY

COMPARISON GROUP 2 (OPTIONAL)

RANK  
Associate Professor

YEAR  
2019-20

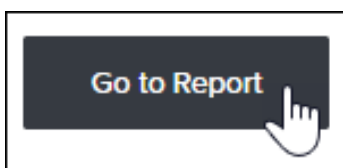
OUTPUT FORMAT  
 HTML (Standard Web Page)  PDF

TENURE  
Tenured/Tenure Track

DISCIPLINE  
27.01 Mathematics.

Go to Report

In this example, the *Comparison Group*, *Rank*, *Tenure*, and *Discipline* settings are the only changes that need to be made. This will run the report with the recommended default settings for other options. When ready to proceed, you will simply scroll to the bottom of the report settings page and click the *Go to Report* button.







## Step 4: Interpreting Your Results

The *Prevailing Wage Report* produces the following table, which includes the weighted mean and median salary, the unweighted mean and median, the number of incumbents reported for this specific position, and the number of institutions that reported data for this specific position. You can save this report as a PDF file, print it, and include it as a supporting document in connection with the H-1B application. This data may also be used to determine DOL's nonproductive pay requirement for H-1B-status employees during nonproductive times.<sup>7</sup>

### Statistics

Mean of Incumbent Salaries (weighted mean)	\$88,248
Median of Incumbent Salaries (weighted median)	\$83,226
Mean of Institutional Average Salaries (unweighted mean)	\$81,574
Median of Institutional Average Salaries (unweighted median)	\$81,016
Number of Incumbents	97
Number of Institutions	22



## Considerations

You may be required to provide documentation for how CUPA-HR's surveys meet DOL guidelines. Please refer to CUPA-HR's [Comparison of DOL EOS Wage Guidelines and CUPA-HR Survey Procedures](#) document within DataOnDemand.

For more details on the statistics generated in each DataOnDemand report, or for detailed information about the variety of report settings options available, visit the [CUPA-HR User Guide and Tutorials web page](#).

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<sup>7</sup> U.S. Department of Labor, Wage and Hour Division. (2016, November). [Fact Sheet #621: Must an H1-B employer pay for nonproductive time?](#) (Online Article).