

**SUMMARY SUPPORTING STATEMENT  
FOR REQUEST FOR OMB APPROVAL  
UNDER THE PAPERWORK REDUCTION ACT OF 1995**

**APPLICATION FOR TEMPORARY EMPLOYMENT CERTIFICATION  
AND  
APPLICATION FOR PREVAILING WAGE DETERMINATION REQUEST  
AND  
TECHNICAL CHANGES FOR H-1B, H-1B1, H-1C, E-3, AND PERM  
PROGRAMS**

**OMB CONTROL NUMBER 1205-0466**

**A. Justification**

The justification sections A.1 through A.11 and A.15 through A.18 are specific to each rulemaking, which have been separated in this ICR in ROCIS into two separate ICs. One IC is for the H-2A rulemaking and another IC is for the H-2B rulemaking. The H-2A program will no longer be using the newly created form ETA 9141 for prevailing wage determinations as originally envisioned in the H-2A NPRM published 02/13/2008. The H-2B, H-1B (including H-1B1 and E-3), H-1C, and PERM programs will all be using the ETA 9141 form for prevailing wage determinations as envisioned in the H-2B NPRM published 05/22/2008 except that the H-1C program had been inadvertently left out of the NPRM.

Below are the hourly burdens, public costs, and federal government costs for each program. These same facts and figures are delineated in each of the supporting statements in each IC.

*A.12. Estimated hourly burden – All Programs Affected by New Regulations and this Information Collection.*

I. H-2A Program

Based on previous program experience, the Department estimates it will receive approximately 7,725 submissions next year for the H-2A program.

A. Determination of wages to be paid for labor certification purposes

In order to recruit U.S. workers and complete the ETA 9142, an employer must determine the appropriate wage to pay agricultural employees. The regulations require employers to obtain the appropriate wage in advance of recruitment by applying to the appropriate NPC and receiving a wage determination.

The employer will use an already existing information collection (ETA 790 OMB control number 1205-0134) to obtain the prevailing wage. Under the new regulations, however, the employer will submit this form twice: once to the NPC for the wage determination and a second time to the SWA for processing. The hourly burden for filling in the ETA 790 is accounted for in that information collection. The additional time to send the first page of the ETA 790 to the NPC is 10 minutes. The total annual burden of the required wage rate determinations is 1,288 reporting hours (7,725 x 10 minutes ÷ 60 minutes = 1,288 hours).

#### B. Application for Temporary Employment Certification

Employers submit an Application for Temporary Employment Certification (form ETA 9142) when they wish to employ a nonimmigrant foreign worker. The form takes approximately one hour to complete. The Department estimates, based on its operating experience, that in the upcoming year employers will file approximately 7,725 applications for a total burden of 7,725 reporting hours (7,725 applications x 1 hour = 7,725 hours).

#### C. Recruitment

Recruitment activities, including advertising for workers and placing job orders, is a usual and customary activity of employers. Therefore, under the regulations of the Office of Management and Budget at 5 CFR §1320.3(b), the resources expended by employers to comply with the recruitment provisions at § 655.102 of the proposed rule is excluded in compiling the paperwork burden estimates under the proposed rule.

Similarly, since the records required to be kept by the employer to demonstrate compliance with the advertising requirements or to prepare the required recruitment report must be retained by employers under the regulations of the Equal Employment Opportunity Commission (EEOC) at 29 CFR §1602.14 (OMB Control No. 3046 -- 0040), promulgated pursuant to Title VII of the Civil Rights Act and the American With Disabilities Act, and 29 CFR §1627.3(b)(3) (OMB Control No. (3046 -- 0018), promulgated pursuant to the Age Discrimination in Employment Act, at 29 CFR §1627.3(b)(3), the burden to maintain such records can be excluded in compiling the paperwork burden under the proposed rule. For example, § 1602.14 requires the employer to keep "(a)ny personnel or employment record made or kept by an employer (including but not limited to requests for reasonable accommodation, application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, lay-off or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship) shall be kept for a period of one

year from the date of making of the record or the personnel action involved, whichever occurs later. . . .”

The records that employers must maintain pursuant to 29 CFR §1627 (b) (3)(a)(1) that was promulgated pursuant to the Age Discrimination in Employment Act, includes but are not limited to the following:

- o Job applications, resumes or any other form of employment inquiry whenever submitted to the employer in response to his advertisement or other notice of existing or anticipated job openings, including records pertaining to the failure or refusal to hire any individual.
- o Promotion, demotion, transfer, selection for training, layoff, recall or discharge of any employee.
- o Job orders submitted by the employer to an employment agency or labor organization for recruitment of personnel and job openings.
- o Any advertisement or notice to the public or to employees relating to job openings, promotions, training programs, or to opportunities for overtime work.

However, the time required to prepare the required recruitment report is not excludable in compiling the burden under the regulation. Section 1602.14 does not require an employer to create any records, but rather requires an employer to preserve all personnel or employment records which the employer “made or kept.” Once made or kept (i.e., records received from others that are not immediately discarded), EEOC regulations requires that these records be preserved.

All employers that file applications under the H-2A process at 20 CFR §§ 655.101 and 107 must prepare and retain a summary report under § 655.102(k) signed by the employer describing the recruitment steps undertaken and the results achieved, including the number of hires, and if applicable, the number of U.S. workers rejected, summarized by the lawful job related reasons. The recruitment report may be requested by the Certifying Officer along with the resumes or applications of U.S. workers sorted by the reasons they were rejected during an audit under § 655.112. The Department estimates that it will take an average of 1 hour for an employer to prepare a recruitment report for each application it files. Because the Department anticipates that 7,725 Applications for Temporary Employment Certification will be filed with the Department of Labor, the total annual burden for preparing recruitment reports is estimated to amount to 7,725 recordkeeping hours (7725 applications x 1 hour = 7,725 hours).

#### D. Retention of Supporting Documentation

The Department estimates that employers will spend about 10 minutes per year per application to retain the required wage rate determination, Application for Temporary Employment Certification, and supporting documentation in the two years following the mandated one year retention for companies subject to Title VII and three years for all other employers. This results in an annual burden of 1,288 recordkeeping hours (7,725 applications x 10 minutes ÷ 60 minutes = 1,288 hours).

#### E. Audits – 20 CFR § 655.112

In a case where the Certifying Officer determines it to be appropriate, post-filing audits may be conducted and in some cases additional evidence will be requested from the employer. The Department estimates that it will audit thirty percent of all applications. The majority will require the employer to submit additional documents, such as proof of advertising, the recruitment report, and possibly the ETA 790 and attachments. Such documents should be readily available to the employer because they are supposed to be collected during the process and retained for three years. The time required to review, copy, and send the items that are requested will average 30 minutes per audit for an annual burden of 1,159 reporting hours (7,725 applications x 30% x .5 hours = 1,159 hours).

#### Annual Burden Hours for H-2A Information Collections:

Prevailing wage – 1,288 Reporting Hours  
Form ETA 9142 – 7,725 Reporting Hours; 9013 Recordkeeping Hours  
Audits – 1,159 Reporting hours

#### Average Time Per Application Process

Prevailing wage – 10 minutes  
Form ETA 9142 – 2.17 hours  
Audits – 30 minutes

## II. The H-2B Program

Based on previous program experience, the Department estimates it will receive approximately 12,000 submissions for the H-2B program

#### A. Determination of prevailing wages for labor certification purposes

In order to recruit U.S. workers and complete the ETA 9142, an employer must obtain a prevailing wage from the Department. The Final Rule

requires employers to obtain the prevailing wage determination in advance of recruitment by applying to the NPC and receiving a determination. The H-2B program also allows employers to appeal the prevailing wage determination. Program experience has shown that the majority of employers will accept the NPC's determination and will, therefore, only spend 45 minutes preparing and submitting the Application for Prevailing Wage Determination (form ETA 9141) to the appropriate NPC. In the H-2B program, the employer also has the option of submitting its own survey if it meets the requirements of 20 CFR § 655.10(f) and requesting the NPC to validate it. If the NPC finds the survey provided by the employer unacceptable, the employer may submit supplemental information for the NPC's consideration. The Department has found that in the past employers challenged the SWA's determination and/or submitted supplemental information in approximately five percent of the prevailing wage determination requests and that it will take employers 45 minutes to prepare such requests and  $\frac{3}{4}$  of those appeal the decision of the Certifying Officer to the Board of Alien Labor Certification Appeals and spend 30 minutes for the appeal. The total annual burden of the prevailing wage determinations is  $(12,000 \times .75 \text{ hours}) + (600 \times .75 \text{ hours}) + (450 \times .5 \text{ hours}) = 9,675 \text{ hours}$  reporting.

#### B. Application for Temporary Employment Certification

Employers submit an Application for Temporary Employment Certification (form ETA 9142) when they wish to employ a nonimmigrant foreign worker. The form takes approximately one hour to complete. The Department estimates, based on its operating experience, that in the upcoming year employers will file approximately 12,000 applications for a total burden of 12,000 reporting hours  $(12,000 \text{ applications} \times 1 \text{ hour} = 12,000 \text{ hours})$ .

#### C. Temporary Need Statement

In order to qualify for the H-2B program an employer must have a temporary need. The DHS regulations at 8 CFR § 214.2(h)(6)(ii)(B) defines four different types of temporary need. Therefore, an employer is required to fill in a section of the form with a narrative statement explaining and justifying its temporary need. The Department estimates that it will take each applicant one-half hour to prepare the narrative for a total burden of 6,000 reporting hours  $(12,000 \text{ applications} \times .5 \text{ hours} = 6,000 \text{ hours})$ .

#### D. Recruitment

Recruitment activities, including advertising for workers and placing job orders is a usual and customary activity of employers. Recruitment

activities, including advertising for workers and placing job orders, is a usual and customary activity of employers. Therefore, under the regulations of the Office of Management and Budget at 5 CFR §1320.3(b), the resources expended by employers to comply with the recruitment provisions at § 655.15 of the proposed rule is excluded in compiling the paperwork burden estimates under the proposed rule.

Similarly, since the records required to be kept by the employer to demonstrate compliance with the advertising requirements or to prepare the required recruitment report must be retained by employers under the regulations of the Equal Employment Opportunity Commission (EEOC) at 29 CFR §1602.14 (OMB Control No. 3046 -- 0040), promulgated pursuant to Title VII of the Civil Rights Act and the American With Disabilities Act, and 29 CFR §1627.3(b)(3) (OMB Control No. (3046 -- 0018), promulgated pursuant to the Age Discrimination in Employment Act, at 29 CFR §1627.3(b)(3), the burden to maintain such records can be excluded in compiling the paperwork burden under the proposed rule. For example, § 1602.14 requires the employer to keep “(a)ny personnel or employment record made or kept by an employer (including but not limited to requests for reasonable accommodation, application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, lay-off or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship) shall be kept for a period of one year from the date of making of the record or the personnel action involved, whichever occurs later. . . .”

The records that employers must maintain pursuant to 29 CFR §1627 (b) (3)(a)(1) that was promulgated pursuant to the Age Discrimination in Employment Act, includes but are not limited to the following:

- o Job applications, resumes or any other form of employment inquiry whenever submitted to the employer in response to his advertisement or other notice of existing or anticipated job openings, including records pertaining to the failure or refusal to hire any individual.
- o Promotion, demotion, transfer, selection for training, layoff, recall or discharge of any employee.
- o Job orders submitted by the employer to an employment agency or labor organization for recruitment of personnel and job openings.
- o Any advertisement or notice to the public or to employees relating to job openings, promotions, training programs, or to opportunities for overtime work.

However, the time required to prepare the required recruitment report is not excludable in compiling the burden under the regulation. Section 1602.14 does not require an employer to create any records, but rather requires an employer to preserve all personnel or employment records which the employer “made or kept.” Once made or kept (i.e., records received from others which are not immediately discarded) EEOC regulations requires that these records be preserved.

All employers that file applications under the H-2B process at 20 CFR § 655.20 must prepare and retain a summary report under § 655.15(i) signed by the employer describing the recruitment steps undertaken and the results achieved, including the number of hires, and if applicable the number of U.S. workers rejected, summarized by the lawful job related reasons. The recruitment report may be requested by the Certifying Officer along with the resumes or applications of U.S. workers sorted by the reasons they were rejected under § 655.23(c) – request for additional information and during an audit under § 655.24. The Department estimates that it will take an average of 1 hour for an employer to prepare a recruitment report for each application it files, and, if requested by the Certifying Officer, sort the resumes or applications it received by the reasons they were rejected. Since the Department anticipates that 12,000 Applications for Temporary Employment Certification will be filed with the Department of Labor, the total annual burden for preparing recruitment reports is estimated to amount to 12,000 recordkeeping hours (12,000 applications x 1 hour = 12,000 hours).

#### E. Retention of Supporting Documentation

The Department estimates that employers will spend about 10 minutes per year per application to retain an application and required supporting documentation in the two years following the mandated one year retention for companies subject to Title VII and three years for all other employers. This results in an annual burden of 2,000 recordkeeping hours (12,000 applications X 10 minutes ÷ 60 minutes = 2,000 hours).

#### F. Supervised Recruitment

In cases where the employer did not comply with the terms of the program and the Department determines it to be appropriate, some employers will be required to be supervised during their next participation in the program. The Department estimates that employers will be required to conduct supervised recruitment with respect to five percent of the applications and the time required to conduct such recruitment will average one hour per application for an annual burden of 600 reporting hours (12,000 x 5% x 1 hour = 600 hours) with some employers expending five hours, while the

majority expending one-half hour to place the advertisement, receive and analyze resumes and interview candidates. Employers will also be required to provide a recruitment report to the Certifying Officer that on average will take one hour to prepare for an annual burden of 600 reporting hours ( $12,000 \times 5\% \times 1 \text{ hour} = 600 \text{ hours}$ ). Therefore, it is estimated that the total annual burden associated with conducting supervised recruitment will amount to 1,200 reporting hours ( $600 + 600 = 1,200 \text{ hours}$ ).

Annual Burden Hours for H-2B Information Collections:

Form ETA 9141 – 9,675 Reporting Hours

Form ETA 9142–19,200 Reporting and 14,000  
Recordkeeping Hours

Average Time Per Application Process:

Form ETA 9141 – 45 minutes

Form ETA 9142 – 2.75 hours

III. The H-1B program (including H-1B1 and E-3)

Based on previous program experience, the Department estimates it will receive approximately 420,000 applications a year for the H-1B program.

A. Determination of wages to be paid for labor certification purposes

In order to complete the ETA 9035 (Labor Condition Application- OMB control number 1205-0310), an employer must determine the appropriate wage to pay foreign workers. The regulations require employers to obtain the appropriate wage in advance of submitting the Labor Condition Application (LCA). The employer may review wage information available through the Department of Labor Employment & Training Administration's on-line OES library, in consultation with the NPC, or utilize other legitimate sources. If the employer chooses to use the Department's on-line source or request a determination through the NPC using form ETA 9141, it will take employers 45 minutes to either file a request with the NPC or navigate the Web to find the Department's prevailing wage. Program experience has shown that at least 90% of applications use these two methods. The total annual burden of the prevailing wage determinations is 283,500 reporting hours ( $420,000 \times .90 \times .75 \text{ hours} = 283,500 \text{ hours}$ ).

B. Retention of Supporting Documentation

The Department estimates that employers will spend about 10 minutes per year per LCA to retain the prevailing wage determination and required supporting documentation during the requisite retention period. This results in an annual burden of 70,000 recordkeeping hours ( $420,000 \text{ applicants} \times 10 \text{ minutes} \div 60 \text{ minutes} = 70,000 \text{ hours}$ ).



Annual Burden Hours for H-1B Information Collections:  
Form ETA 9141 only – 283,500 Reporting Hours and 70,000  
Recordkeeping Hours  
Average Time Per Application Process:  
Form ETA 9141 only – 55 minutes

#### IV. The H-1C program

Based on previous program experience, the Department estimates it will receive approximately 172 applications a year in the H-1C program

##### A. Determination of wages to be paid for labor certification purposes

In order to complete the ETA 9081 (Attestations for H-1C Nonimmigrant Nurses – OMB control number 1205-0415), an employer must determine the appropriate wage to pay foreign workers. The regulations require employers to obtain the appropriate wage in advance of submitting the ETA 9081. Using form ETA 9141, it will take employers 45 minutes to either file a request with the NPC or to locate its collective bargaining agreement and request the NPC to validate the wage stipulated in the collective bargaining agreement. The total annual burden of the prevailing wage determinations is 129 reporting hours (172 x .75 hours = 129 hours).

##### B. Retention of Supporting Documentation

The Department estimates that employers will spend about 10 minutes per year per ETA 9141 to retain the prevailing wage determination and required supporting documentation during the requisite retention period. This results in an annual burden of 29 recordkeeping hours (172 applications x 10 minutes ÷ 60 minutes = 29 hours).

Annual Burden Hours for H-1C Information Collections:  
Form ETA 9141 only – 129 Reporting Hours and 29 Recordkeeping  
Hours  
Average Time Per Application Process:  
Form ETA 9141 only – 55 minutes

#### V. The PERM program

Based on previous program experience, the Department estimates it will receive approximately 100,000 submissions a year for the PERM program.

##### A. Determination of wages to be paid for labor certification

In order to recruit U.S. workers and complete the ETA 9089 (Application for Permanent Employment Certification – OMB control number 1205-0451), an employer must determine the appropriate wage to pay workers. The Department is considering amending its regulations to require employers to obtain the appropriate wage in advance of recruitment by applying to the appropriate NPC using form ETA 9141 and receiving a determination. Program experience has shown that the majority of employers will accept the NPC's determination and will, therefore, only spend 30 minutes preparing and submitting the Application for Prevailing Wage Determination (form ETA 9141) to the NPC. In the PERM program, the employer has the option of submitting its own survey if it meets the requirements of 20 CFR § 656.40(g) and requesting the NPC to validate it. If the NPC finds the survey provided by the employer unacceptable, the employer may submit supplemental information for the NPC's consideration. The PERM program also allows employers to appeal the prevailing wage determination. The Department has found that in the past employers challenged the SWA's determination and/or submitted supplemental information in approximately five percent of the prevailing wage determination requests and that it will take employers 45 minutes to prepare such requests and  $\frac{3}{4}$  of those appeal the decision of the Certifying Officer to the Board of Alien Labor Certification Appeals and spend 30 minutes for the appeal. The total annual burden of the prevailing wage determinations is  $(100,000 \times .75 \text{ hours}) + (5,000 \times .75 \text{ hours}) + (3,750 \times .5 \text{ hours}) = 80,625$  reporting hours.

#### B. Retention of Supporting Documentation

The Department estimates that employers will spend about 10 minutes per year per application to retain an application and required supporting documentation in the four years following the mandated one year retention for companies subject to Title VII and five years for all other employers. This results in an annual burden of 1,667 recordkeeping hours  $(100,000 \text{ applications} \times 10 \text{ minutes} \div 60 \text{ minutes} = 16,667 \text{ hours})$ .

Annual Burden Hours for PERM Information Collections:

Form ETA 9141 only – 80,625 Reporting Hours and 16,667  
Recordkeeping Hours

Average Time Per Application Process

Form 9141 only – 55 minutes

#### VI. Total Hourly Cost

Employers filing applications for temporary and permanent alien employment certification may be from a wide variety of industries. Salaries for employers and/or their employees who perform the reporting and recordkeeping functions required by this regulation may range from

several hundred dollars to several hundred thousand dollars where the corporate executive office of a large company performs some or all of these functions themselves. However, the Department believes that in most companies a Human Resources Manager will perform these activities. In estimating employer staff time costs, the Department used the median hourly wage rate for a Human Resources Manager (\$42.55), as published by the U.S. Department of Labor's Occupational Employment Statistics OnLine,<sup>1</sup> and increased by a factor of 1.42 to account for employee benefits and other compensation for a total hourly cost of \$60.42. Total annual respondent hour costs for all information collections are estimated as follows:

H-2A	19,185 x \$60.42	= \$ 1,159,158
H-2B	42,875 x \$60.42	= \$ 2,590,507
H-1B	353,500 x \$60.42	= \$21,358,470
H-1C	158 x 60.42	= \$ 9,546
PERM	97,292 x \$60.42	= \$ 5,878,382

*A.13. Estimated cost burden to respondents.*

a) Start-up/capital costs: There are no start-up costs. There is no obligation to own a computer to participate in the program. Anyone without computer access can request the form from OFLC. However, to participate in the program the employer is required to generate records and retain them. The only necessary supplies needed to store and maintain the records are filing cabinets and filing folders. The Department estimates that the initial cost to employers is minimal because it is a customary and usual business practice for businesses to have storage space. However, there is a one-time fee the H-2A applicant must pay the Department after its application has been approved. The proposed rule stipulates that the applicant who receives an approved labor certification must pay \$100 plus \$10 for each foreign worker requested with an overall cap of \$1,000 per application. Assuming a 100% approval rate and the same amount of foreign workers as in previous years at 80,284, the Department estimates the maximum cost to employers will be \$1,575,340 [(7,725 applicants x \$100) + (80,284 foreign workers x \$10)]

b) Annual costs: There are no annual costs involved with operation and maintenance because ETA will be responsible for the annual maintenance costs for the free downloadable forms and, subject to OMB approval, the web-based data collection and reporting system.

*A.14. Estimated cost burden to the Federal government*

<sup>1</sup> Source: Bureau of Labor Statistics 2006 wage data.

The average Federal Government cost for a year of operation is estimated on an hourly basis multiplied by an index of 1.69 to account for employee benefits and proportional operating costs, otherwise known as Fully Loaded Full Time Equivalent (FLFTE). The index is derived by using the Bureau of Labor Statistics' index for salary plus benefits and the Department's internal analysis of overhead costs averaged over all employees of OFLC.

**The H-2A Program:**

Estimated Hours - Data Entry/Review

<u>NPC Staff Cost for Determining Prevailing Wage</u>	\$199,537
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 30 minutes	
\$51.66 x 7,725 x .5 hours = \$199,537	

<u>SWA Cost to Post Job Order and Refer Applicants</u>	\$399,074
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 1 hour	
\$51.66 x 7,725 = \$399,074	

<u>Data Entry</u>	\$ 950
(A small (1%) sampling of applications will be data entered for statistical purposes)	
Clerical (GS-6, Step 3 x 1.69 FLFTE) @ 30 minutes	
\$ 24.67 x 77 applications x .5 hour = \$950	

<u>Staff Cost for Adjudicating Applications</u>	\$598,610
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 1.5 hours	
\$51.66 x 7,725 x 1.5 hours = \$598,610	

<u>Staff Cost for Audited Applications</u>	\$485,459
(30% of applications are audited)	
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 3 hours	
\$51.66 x 2,318 x 3 hours = \$359,244	
Manager (GS-14, Step 5 x 1.69) @ 45 minutes	
\$72.60 x 2,318 x .75 hours = \$126,215	

<u>Estimated Total Cost for H-2A</u>	
Staff	= \$1,683,630
Printing/Mailing	= \$ 8,961
	<b>\$1,692,591</b>

**The H-2B program:**

Estimated Hours - Data Entry/Review

SWA Cost to Post Job Order and Refer Applicants \$619,920  
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 1 hour  
\$51.66 x 12,000 = \$619,920

Data Entry \$1,480  
(A small (1%) sampling of applications will be data entered for statistical purposes)  
Clerical (GS-6, Step 3 x 1.69 FLFTE) @ 30 minutes  
\$ 24.67 x 120 applications x .5 hour = \$1,480

Staff Cost for Adjudicating Applications \$929,880  
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 1.5 hours  
\$51.66 x 12,000 x 1.5 hours = \$464,940

Staff Cost for Appealed Required Wage Applications \$ 73,620  
(5% of applications are appealed)  
Manager (GS-14, Step 5 x 1.69) @ 45 minutes  
\$72.60 x 600 x .75 hours = \$32,670  
(3.75% of applications are appealed to BALCA)  
Administrative Law Judge (AL/C3 x 1.69) @ 1 hour  
\$91.00 x 450 x 1 hour = \$40,950

Staff Cost for Audited or RFI Applications \$753,948  
(30% of applications are audited or need additional information)  
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 3 hours  
\$51.66 x 3,600 x 3 hours = 557,928  
Manager (GS-14, Step 5 x 1.69) @ 45 minutes  
\$72.60 x 3,600 x .75 hours = 196,020

Staff Cost for Supervised Recruitment \$142,830  
(5% of applications are required to do supervised recruitment)  
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 2.5 hours  
\$51.66 x 600 x 2.5 hours = \$77,490  
Manager (GS-14, Step 5 x 1.69) @ 1.5 hours  
\$72.60 x 600 x 1.5 hours = \$65,340

Estimated Total Cost for H-2B

Staff = \$2,521,678  
Printing/Mailing = \$ 13,900  
**\$2,535,578**

**The H-1B program** (including H-1B1 and E-3):  
 APPLICATIONS FOR PREVAILING WAGE ONLY  
 (Only 10% request determinations from the Department requiring staff time)

Staff Cost for Adjudicating Applications \$1,627,290  
 Staff (GS-12, Step 5 x 1.69 FLFTE) @ 45 minutes  
 $\$51.66 \times 42,000 \times .75 \text{ hours} = \$1,627,290$

Estimated Total Cost for H-1B **\$1,627,290**

**The H-1C program:**  
 APPLICATIONS FOR PREVAILING WAGE ONLY

Staff Cost for Adjudicating Applications \$6,664  
 Staff (GS-12, Step 5 x 1.69 FLFTE) @ 45 minutes  
 $\$51.66 \times 172 \times .75 \text{ hours} = \$6,664$

Estimated Total Cost for H-1C **\$6,664**

**The PERM program:**  
 APPLICATIONS FOR PREVAILING WAGE ONLY

Staff Cost for Adjudicating Applications \$3,874,500  
 Staff (GS-12, Step 5 x 1.69 FLFTE) @ 45 minutes  
 $\$51.66 \times 100,000 \times .75 \text{ hours} = \$3,874,500$

Staff Cost for Appealed Applications \$ 613,500  
 (5% of applications are appealed)  
 Manager (GS-14, Step 5 x 1.69) @ 45 minutes  
 $\$72.60 \times 5,000 \times .75 \text{ hours} = \$272,250$   
 (3.75% of applications are appealed to BALCA)  
 Administrative Law Judge (AL/C3 x 1.69) @ 1 hour  
 $\$91.00 \times 3,750 \times 1 \text{ hour} = \$341,250$

Estimated Total Cost for PERM **\$4,488,000**  
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Total Cost to Federal Government **\$10,350,123**