

**SUPPORTING STATEMENT**  
**APPLICATION FOR PREVAILING WAGE DETERMINATION**  
**OMB Control Number 1205-0508**

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This Information Collection Request (ICR) seeks an Extension of the ICR.

This ICR seeks approval under the Paperwork Reduction Act of 1995 (PRA) to extend Office of Management and Budget (OMB) Control Number 1205-0508, *Application for Prevailing Wage Determination* (OMB 1205-0508). This ICR includes the prevailing wage determination (PWD) information collections for the Department of Labor's (Department or DOL) administration of the permanent (PERM) labor certification program, H-2B temporary non-agricultural labor certification program, and H-1B, H-1B1, and E-3 labor condition application (LCA) programs. The ICR includes Form ETA-9141, *Application for Prevailing Wage Determination* ("Form ETA-9141"); Form ETA-9141, *General Instructions* ("General Instructions"); Form ETA-9141, Appendix A, *Request for Additional Worksite(s)* ("Appendix A"); Form ETA-9165, *Employer-Provided Survey Attestations to Accompany H-2B Prevailing Wage Determination Request Based on a Non-OEWS Survey* ("Form ETA-9165"); and Form ETA-9165, *General Instructions*. The Department respectfully requests to extend the current forms (approved in ICR Reference No. 201905-1205-005) for an additional three years.

**A. Justification**

*A.1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

The Immigration and Nationality Act (INA), as amended, assigns responsibilities to the Secretary of Labor (Secretary) relating to the entry and employment of certain categories of immigrant and nonimmigrant foreign workers under the PERM, H-2B, H-1B, H-1B1, and E-3 programs. The Office of Foreign Labor Certification (OFLC) within the Employment and Training Administration (ETA) is responsible for processing PWD applications from employers who seek to employ PERM, H-2B, H-1B, H-1B1, and E-3 workers. As explained further below, the INA requires the Secretary to certify that the employment of foreign workers under certain visa classifications will not adversely affect the wages and working conditions of similarly employed workers in the United States. To render this certification, the Secretary determines the prevailing wage for the occupational classification and area of intended employment and ensures the employer offers a wage to the foreign worker that equals at least the prevailing wage. OFLC uses Forms ETA-9141 and ETA-9165 to collect the necessary information to determine the prevailing wage for the applicable occupation and area of intended employment. For H-2B and labor certification applications and, as employers choose to do so, for LCAs, employers request and are issued a PWD from the Department for the job opportunity; the PWD is based on the occupational classification and area of intended employment. Employers file the Form ETA-9141 with the Department to receive a PWD. H-2B employers also file the Form ETA-9165 with the Department if they are requesting a PWD based on a non-Occupational Employment and Wage Statistics (OEWS) survey.

The INA prohibits the admission and employment of foreign workers under the PERM and H-2B programs unless the Secretary has certified that the employment of the foreign worker will not adversely affect the wages and working conditions of workers in the United States similarly employed. See 8

U.S.C. § 1182(a)(5)(A)(i)(II); 8 CFR 204.5(k)(4)(i), 214.2(h)(4)(i)(B)(1), (h)(6)(iii)(A), and (h)(6)(iv)(A). Similarly, the INA prohibits the employment of foreign workers under the H-1B, H-1B1, and E-3 programs unless the Secretary has approved an LCA in which the employer attests to pay the foreign worker at least the prevailing wage level for the occupational classification in the area of employment or the actual wage level paid by the employer to workers with similar experience and qualifications for the specific employment in question, whichever is greater. *See* 8 U.S.C. §§ 1182(n)(1)(A)(i)(I) and (II) and (t)(1)(A)(i)(I) and (II).

Prior to filing a PERM or H-2B labor certification application, the employer must obtain a PWD from OFLC's National Prevailing Wage Center (NPWC). Employers seeking to employ foreign workers under the H-1B, H-1B1, and E-3 programs are not required to obtain a PWD from the NPWC but may choose to do so. When a PERM, H-1B, H-1B1, or E-3 employer obtains a PWD from OFLC based on the OEWS survey, the INA requires the Department to determine the appropriate wage level for the occupational classification, "commensurate with experience, education, and the level of supervision." 8 U.S.C. § 1182(p)(4). When determining a prevailing wage for nonprofit and Governmental research organizations, institutions of higher education, and non-profit entities related to or affiliated with institutions of higher education, the INA requires the Department to determine the prevailing wage based only on wage data from "employees at such institutions and organizations in the area of employment." 8 U.S.C. § 1182(p)(1).

PERM PWDs: In the absence of a prevailing wage rate derived from an applicable collective bargaining agreement (CBA), the employer may elect to use an applicable wage determination under Davis Bacon Act (DBA) or McNamara-O'Hara Service Contract Act (SCA), or provide a wage survey that complies with the Department's standards governing employer-provided wage data. *See* 20 CFR 656.40(b) and (g). In the absence of any of the above sources, the NPWC will use the BLS OEWS survey to determine the prevailing wage for the employer's job opportunity. *See* 20 CFR 656.40(b)(2). If the employer requests a PWD based on an employer-provided survey, the employer must provide the NPWC with enough information about the survey methodology—including sample size and source, sample selection procedures, and survey job descriptions—to allow the NPWC to determine the adequacy of the data and validity of the statistical methodology. *See* 20 CFR 656.40(g)(2).

H-2B PWDs: In the absence of a prevailing wage rate derived from an applicable CBA, the employer must receive an OEWS-based PWD from the NPWC or provide a wage survey that complies with the criteria in the Department's H-2B regulations. *See* 20 CFR 655.10. If the employer requests a PWD based on an employer-provided survey, the employer must provide the NPWC sufficient information to determine whether the survey satisfies the methodological requirements. *See* 20 CFR 655.10(f).

H-1B, H-1B1, and E-3 PWDs: In the absence of a prevailing wage rate derived from an applicable CBA, the employer may base the prevailing wage on one of several sources: a PWD from the NPWC; an independent authoritative source that satisfies the requirements in 20 CFR 655.731(b)(3)(iii)(B); or another legitimate source of wage data that satisfies the requirements in 20 CFR 655.731(b)(3)(iii)(C). *See* 20 CFR 655.731(a)(2)(ii)(A)-(C).

**Statutory Authority:** Sections 103(a)(6); 203(b)(3); 212(a)(5)(A); 212(m), (n), (p), (t); and 214(c) of the INA [8 U.S.C. §§ 1103(a)(6); 1153(b)(3); 1182(a)(5)(A), (m), (n), (p), (t); and 1184(c)].

**Regulatory Authority:** 20 CFR 656.40, 655.10, and 655.731; 8 CFR 204.5(k)(4) and 214.2(h)(4) and (h)(6).

*A.2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

The Department uses the information collected through this ICR to determine the prevailing wage that an employer must pay to a foreign worker in connection with the PERM, H-2B, H-1B, H-1B1, and E-3 programs. When determining a prevailing wage using OEWS data, the NPWC refers to the Form ETA-9141 to determine the appropriate occupational classification and prevailing wage rate for that occupation based on information about the nature of the job offer, the area of intended employment, and description of job duties. When an employer provides a wage survey to determine the prevailing wage in the H-2B program, the NPWC reviews the Form ETA-9165 to determine if the survey complies with regulatory requirements governing the use of employer-provided wage surveys.

*A.3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.*

An employer must request a PWD from the NPWC, in the manner prescribed by OFLC, either by electronic filing or by mail. See 20 CFR 656.40(a) and 655.10. The electronic filing of the Form ETA-9141 and its appendix is supported by the Department's Foreign Labor Application Gateway (FLAG) system at <https://flag.dol.gov/>. In circumstances where the application is filed using the traditional paper-based method, filers mail applications to OFLC, OFLC staff manually enters the data and information contained on the paper application into the FLAG system for processing in a similar manner as those filed electronically.

The FLAG system permits an employer or, if applicable, its authorized attorney or agent to efficiently prepare and submit PWD applications to OFLC. The FLAG system provides employers with a series of electronic data checks and prompts to ensure each required field is completed and values entered on the form are valid and consistent with regulatory requirements. The OFLC website and the FLAG system include detailed instructions designed to help employers understand the form collection items and the kinds of entries that are required. Where it is not practical to collect supporting documentation using a standard OMB-approved appendix, the FLAG system permits an employer to upload documentation supporting the application in an acceptable digitized format (e.g., Adobe .PDF, Microsoft Word, .TXT). The Form ETA-9165 is accessible on the OFLC website as a fillable Adobe .PDF form that can be uploaded with an electronic Form ETA-9141 file in the FLAG system or printed and attached to a mailed application. In compliance with the Government Paperwork Elimination Act, OFLC will continue to make Form ETA-9141 easily accessible on the FLAG System and will maintain all forms and appendices approved under this ICR on the OFLC website (<https://www.dol.gov/agencies/eta/foreign-labor>) so that employers may complete and file applications electronically or by mail.

*A.4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.*

The information and any supporting documentation requested through Forms ETA-9141 and ETA-9165 are sufficiently unique to avoid duplication of activities within the Department in the context of the PERM, H-2B, and LCA programs. Employers filing their requests electronically can save their contact information and other pertinent general information for the Form ETA-9141, and its appendix, in the FLAG system for use while filing another Form ETA-9141. Once this general information is entered, the system repopulates it as the employer files additional Form ETA-9141 requests, which results in time savings to the employer. For the Form ETA-9165, any duplicative information like the name(s), address(es), and contact information of the employer and, if applicable, its authorized attorney or agent will be eliminated once all of the form revisions are incorporated into the electronic filing system. The Department has not yet incorporated Form ETA-9165 into the electronic filing system due to technical challenges doing so. Finally, the procedures and documentation requirements are sufficiently specific to avoid duplication of activities. The information collection in the Form ETA-9165 only applies to entities seeking H-2B workers and seeking a prevailing wage determination based on an employer-provided survey.

*A.5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.*

The information collected under this ICR is required of small entities who seek to employ foreign workers under the PERM and H-2B programs and small entities that request a PWD from the Department for use in the LCA programs. The Department cannot make any exemptions or eliminate forms for small businesses because the regulations require all employers seeking a PWD from the Department to provide the information necessary to determine the appropriate prevailing wage. This collection is not disproportionately more burdensome for small entities than large ones because the forms and accompanying appendix are easy-to-understand and provide all the necessary instructions so that the employer does not need to find the appropriate law or regulation to know how to request a PWD. It is not possible to reduce the burden on small entities by shortening the forms because the forms collect from all employers the minimum information needed to determine the appropriate prevailing wage for the occupational classification and area of intended employment. The use of electronic filing and automated system prompts serves to minimize the burdens on respondents by increasing the completeness and quality of applications received and enhancing electronic communications during the application review process. Any recordkeeping requirements largely involve information that already exists in human resources records kept by most employers for other purposes.

*A.6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

Employers choose the frequency with which they apply for PWDs. Employers file requests for PWDs and obtain PWDs in support of PERM, H-2B, and H-1B, H-1B1, E-3 applications when seeking to employ foreign workers through these visa programs. The Department would be in direct violation of its statutory and regulatory mandates if this information were not collected. The information must be

collected to enable the Department to meet its obligation to determine that the employment of foreign workers will not adversely affect the wages and working conditions of U.S. workers similarly employed. The Department cannot issue PWDs without collecting basic information on the employer, worksite(s), and job opportunity being offered to foreign workers. The documentation covered by this ICR is, therefore, essential to the administration of the PERM and H-2B labor certification programs and LCA programs.

*A.7. Explain any special circumstances that would cause an information collection to be conducted in a manner that requires further explanation pursuant to regulations 5 CFR 1320.5(d)(2).*

There are no special circumstances that would require the information to be collected or kept in a manner that requires further explanation pursuant to the regulations set forth at 5 CFR 1320.5(d)(2).

*A.8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.*

*Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.*

*Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years—even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.*

In accordance with the PRA, the Department published a *Federal Register* notice on March 24, 2026, that afforded the public 60 days to comment on the extension of this information collection. See 91 FR 14042. The Department received nine comments, which were all outside of the scope of this form package. The nine comments opposed the notice of proposed rulemaking published on March 27, 2026, titled “Improving Wage Protections for the Temporary and Permanent Employment of Certain Foreign Nationals in the United States” (91 FR 15454); the comments were not related to this form package. Since the comments received were outside the scope of this form package, there were no changes made to the forms after the 60-day comment period.

*A.9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

No payments or gifts will be made to respondents in exchange for the information provided through these information collection tools.

*A.10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

The documents provided are subject to the provisions of the Freedom of Information Act (FOIA) and, if requested, could be disclosed under that statute if not found to be exempt from disclosure under one of the nine FOIA exemptions.

In accordance with the Privacy Act of 1974, as amended (5 U.S.C. § 552a), the information provided is protected under the Privacy Act.

The collection of data and information under this ICR are incorporated into the Department's System of Records Notice Foreign Labor Certification System and Employer Application Case Files, DOL/ETA-7. See 87 FR 8292. The categories of records in this collection include information such as the names and addresses of employers and their authorized attorneys and agents; employer-provided wage source documents and surveys. The laws authorizing this program and collection of information provides for compliance with the Privacy Act in all its aspects.

OFLC files associated with PWDs are retained for a period of five years after closure. OFLC digitizes or converts paper records into OFLC archive and scan database(s), which are destroyed once converted to an electronic medium and verified, or when no longer needed for legal or audit purposes in accordance with the records schedule. Paper copies of case files that are not scanned are retained on-site for six months from the date of the final determination and then transferred to the Federal Records Center for the duration of the five-year retention period.

*A.11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

The information collections do not involve sensitive matters.

*A.12. Provide estimates of the hour burden of the collection of information.*

Based on recent program experience, the Department estimates each year that it will receive approximately 23,029 prevailing wage requests for the H-2B program; 4,212 prevailing wage requests for the H-1B program; and 208,864 prevailing wage requests for the PERM program, totaling 236,105 requests.<sup>1</sup> The total estimated hourly annual burden is 225,559.80 hours. The estimated time reporting burden per Form ETA-9141 application is 0.78 hours, excluding appendix and recordkeeping requirements, and for Form ETA-9165 is 0.42 hours. While actions associated with the form collection

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<sup>1</sup> Unless otherwise stated, in all cases where DOL's estimates are averages, the averages are based on prevailing wage data for three FYs: 2023, 2024, and 2025.

vary depending on the nature and complexity of the employer's job opportunity, the estimated average hourly reporting burden includes those elements that are common to the majority of applications.

| OMB Control Number 1205-0508 | Estimated Burden Hours<br>(for proposed form)                                                   |
|------------------------------|-------------------------------------------------------------------------------------------------|
| Form ETA-9141 and Appendix A | 1 hour total<br><br>ETA-9141: 0.78 hours<br>Appendix A: 0.05 hours<br>Recordkeeping: 0.17 hours |
| Form ETA-9165                | 0.42 hours                                                                                      |

The hourly burden estimates provided below are separated by program and are based on filings submitted to the NPWC.

## I. Form ETA-9141

### A. H-2B PWDs

To recruit U.S. workers, an H-2B employer must first obtain a PWD from the Department, prior to completing the Form ETA-9142B. See 20 CFR 655.10(c). The regulations require employers to obtain the PWD in advance of recruitment or filing by submitting a completed Form ETA-9141 to the NPWC. The Department receives an average of 23,029 H-2B prevailing wage requests each year. The Department estimates that employers will spend 0.78 hours preparing and submitting the Form ETA-9141 to the NPWC. The total annual burden estimate is 17,962.62 reporting hours (23,029 filings x 0.78 hours = 17,962.62 reporting hours).

An H-2B employer may request Center Director Review (CDR) or a formal appeal PWDs issued by the NPWC for an H-2B job opportunity. The Department estimates that employers will submit an average of 63 CDR requests each year. The Department estimates it takes an employer 0.78 hours to prepare CDR requests. The Department estimates that employers will submit an average of two prevailing wage appeals to the Department's Board of Alien Labor Certification Appeals each year. The Department estimates it takes an H-2B employer one hour to prepare an appeal. The annual burden estimates for H-2B CDR requests and H-2B appeals is 51.14 reporting hours ((63 CDR requests x 0.78 hours = 49.14) + (2 appeal x 1 hour = 2 hour) = 51.14 hours).

### B. Retention of H-2B PWD Supporting Documentation

The Department estimates that employers will spend about 0.17 hours per year per application to retain the application and required supporting documentation, as required in 20 CFR 655.10(j). This results in an annual burden estimate of 3,914.93 recordkeeping hours (23,029 applications x 0.17 hours = 3,914.93 hours).

Total Estimated Annual Burden Hours for the H-2B Program:

17,962.62 Form ETA-9141 reporting hours  
+ 3,914.93 Form ETA-9141 recordkeeping hours  
21,877.55 Total Hours  
Total Estimated H-2B Responses (Applications): 23,029  
Total Estimated H-2B Respondents (Filers): 10,352

C. H-1B, H-1B1, and E-3 (LCA) PWDs.

To complete the Form ETA-9035 & 9035E, *Labor Condition Application for Nonimmigrant Workers* (OMB Control Number 1205-0310), an H-1B employer must determine the appropriate wage to pay the foreign worker. The regulations require employers to determine the appropriate wage prior to submitting the LCA. See 20 CFR 655.731(a)(2). Unlike the H-2B and PERM programs, in which the employer must obtain a PWD from the Department, under the Department's regulations at 20 CFR 655.731, an H-1B, H-1B1, or E-3 employer has the option of requesting a PWD from the NPWC using the Form ETA-9141, but may choose to rely instead on the wage information available through the Department's FLAG system or OFLC Wage Search<sup>2</sup>, or another source of wage information meeting the requirements of 20 CFR 655.731. Obtaining a PWD from the Department, however, affords the employer safe harbor in the event of an investigation by Wage and Hour Division. Where the employer chooses to request a PWD from the NPWC using the Form ETA-9141, it will take the employer approximately 0.78 hours to complete and file the prevailing wage request with the NPWC using the Form ETA-9141. The Department receives an average of 4,212 prevailing wage requests each year with the NPWC using the Form ETA-9141. The annual burden estimate for H-1B PWDs is 3,285.36 reporting hours (4,212 filings x 0.78 hours = 3,285.36 hours).

An employer may request NPWC redetermination, CDR, or formal appeal of PWDs issued by the NPWC for an H-1B job opportunity. The Department estimates that employers will submit an average of 28 redetermination requests each year. The Department estimates it takes an employer 0.78 hours to prepare redetermination requests. The Department estimates that employers will submit an average of 2 CDR requests each year. The Department estimates it takes an employer 0.78 hours to prepare CDR requests. The Department estimates that employers will submit an average of two prevailing wage appeals each year. The Department estimates it takes an employer 1 hour to prepare an appeal. The annual burden estimate for H-1B redeterminations, CDR requests, and appeals is 25.4 reporting hours ((28 redetermination filings x 0.78 hours = 21.84 hours) + (2 CDR requests x 0.78 hours = 1.56 hours) + (2 appeals x 1 hour = 2 hour) = 25.4 hours.)

D. Retention of LCA Supporting Documentation

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<sup>2</sup> The OFLC Wage Search used to be known as On-Line Wage Library or FLCDataCenter.com, but it was discontinued effectively July 1, 2014. Thereafter, prevailing wage data from the Occupational Employment and Wage Statistics survey became available through OFLC Wage Search tool, which is accessible via the FLAG website (<https://flag.dol.gov/wage-data/wage-search>).



The Department estimates that employers will spend about 0.17 hours per year per application to retain the documentation of its compliance with the required wage rate under 20 CFR 655.731, including, if applicable, the PWD and any required supporting documentation during the requisite retention period. This results in an annual burden estimate of 716.04 recordkeeping hours (4,212 filings applicants x 0.17 hours = 716.04 hours).<sup>3</sup>

Total estimated annual burden hours for the LCA Program:

|          |                     |
|----------|---------------------|
| 3,285.36 | Reporting hours     |
| + 716.04 | Recordkeeping hours |
| 4,001.40 | Total hours         |

Total Estimated H-1B Responses (Applications): 4,212

Total Estimated H-1B Respondents (Filers): 1,395

E. PERM PWDs

To recruit U.S. workers and complete the Form ETA-9089, *Application for Permanent Employment Certification* (“Form ETA-9089”) (OMB Control Number 1205-0451), an employer must obtain the prevailing wage prior to filing the Form ETA-9089 by submitting the Form ETA-9141 to the NPWC and receiving a PWD. See 20 CFR 656.40. The Department estimates that employers will spend 0.78 hours preparing and submitting the Form ETA-9141. The Department receives an average of 208,864 PERM prevailing wage requests each year. The annual burden estimate for PERM PWDs is 162,913.92 reporting hours (208,864 x 0.78 hours = 162,913.92 hours).

An employer may request NPWC redetermination, CDR, or formal appeal of PWDs issued by the NPWC for a PERM job opportunity. The Department estimates that employers will submit an average of 730 redetermination requests each year. The Department estimates it takes an employer 0.78 hours to prepare redetermination requests. The Department estimates that employers will submit an average of 14 CDR requests each year. The Department estimates it takes an employer 0.78 hours to prepare CDR requests. The Department estimates that employers will submit an average of one prevailing wage appeal each year. The Department estimates it takes an employer 1 hour to prepare an appeal. The annual burden estimate for PERM redeterminations, CDR requests, and appeals is 581.32 reporting hours ((730 redetermination filings x 0.78 hours = 569.4 hours) + (14 Center Director Review requests x 0.78 hours = 10.92 hours) + (1 appeals x 1 hour = 1 hour) = 581.32 hours.)

F. Retention of PERM Supporting Documentation

The Department estimates that employers will spend about 0.17 hours per year per application to retain an application and required supporting documentation. This results in an annual burden

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<sup>3</sup> While the retention requirement applies only when an LCA is filed (20 CFR 655.731 and 655.760(c)), the Department is being over-inclusive by including the recordkeeping burden on employers to retain the PWD as “documentation regarding its determination of the prevailing wage” for their LCA.

estimate of 35,506.88 recordkeeping hours (208,864 applications x 0.17 hours = 35,506.88 hours).<sup>4</sup>

Total time burden for the PERM Program:

|             |                     |
|-------------|---------------------|
| 162,913.92  | Reporting hours     |
| + 35,506.88 | Recordkeeping hours |
| 198,420.80  | Total hours         |

|                                                |         |
|------------------------------------------------|---------|
| Total Estimated PERM Responses (Applications): | 208,864 |
| Total Estimated PERM Respondents (Filers):     | 49,183  |

G. Form ETA-9141, Appendix A

Some employers filing the Form ETA-9141 will also need to file an Appendix A, which employers use to identify additional worksites for which PWDs are requested. Across the labor certification and LCA programs, the Department estimates that approximately 9,637 employers will file approximately 25,201 PWDs requesting additional worksites, requiring the completion of Appendix A. The Department estimates that employers will spend an average of 0.05 hours preparing Appendix A for submission with Form ETA-9141 filings. The total annual burden estimate is 1,260.05 reporting hours (25,201 filings x 0.05 hours = 1,260.05 hours).

Total Annual Burden Hours for the Form ETA-9141, Appendix A:

|          |                     |
|----------|---------------------|
| 1,260.05 | Reporting hours     |
| + 0      | Recordkeeping hours |
| 1,260.05 | Total Hours         |

H. Combined Form ETA-9141 Totals

Total Annual Burden Hours for the Form ETA-9141 and Form ETA-9141, Appendix A:

|             |                                           |
|-------------|-------------------------------------------|
| 17,962.62   | H-2B Form ETA-9141 reporting hours        |
| 3,285.36    | LCA Form ETA-9141 reporting hours         |
| 162,913.92  | PERM Form ETA-9141 reporting hours        |
| 1,260.05    | Form ETA-9141, Appendix A reporting hours |
| 3,914.93    | H-2B Form ETA-9141 recordkeeping hours    |
| 716.04      | LCA Form ETA-9141 recordkeeping hours     |
| + 35,506.88 | PERM Form ETA-9141 recordkeeping hours    |
| 225,559.80  | Total Hours                               |

## **II. Form ETA-9165**

<sup>4</sup> While the retention requirement derives from 20 CFR 656.10(f), which relates to the *Application for Permanent Employment Certification*, and not from 20 CFR 656.40, which relates to PWDs, the Department is being over-inclusive by including the recordkeeping burden on employers to retain the PWD as “supporting documentation” for their *Application for Permanent Employment Certification*.

An H-2B employer may request a PWD based on an employer-provided survey if the employer files a Form ETA-9165 and submits documentation demonstrating the employer-provided survey meets all of the methodological standards in the Department's H-2B regulations. The Form ETA-9165 takes approximately 0.42 hours to complete. Based on program experience, the Department estimates it will receive 179 Form ETA-9165 submissions from employers seeking to use an employer-provided wage survey. The total hourly reporting burden for the filing of the Form ETA-9165 is 75.18 hours (179 applications x 0.42 hours = 75.18 reporting hours). The employer is not required to retain the survey or the Form ETA-9165.

Total Estimated Annual Burden Hours for the H-2B Program:

|       |                                     |
|-------|-------------------------------------|
| 75.18 | Form ETA-9165 Reporting hours       |
| +     | 0 Form ETA-9165 Recordkeeping hours |
| 75.18 | Total Hours                         |

**III. Estimated Total Hourly Burden for All Programs**

|            |                                        |
|------------|----------------------------------------|
| 225,559.80 | Total Form ETA-9141 burden hours       |
| +          | 75.18 Total Form ETA-9165 burden hours |
| 225,634.98 | Total estimated burden hours           |

|         |                                                                |
|---------|----------------------------------------------------------------|
| 23,029  | H-2B responses                                                 |
| 4,212   | H-1B responses                                                 |
| +       | 208,864 PERM responses                                         |
| 236,105 | Total responses for the H-2B, H-1B, PERM programs <sup>5</sup> |

|        |                                                                  |
|--------|------------------------------------------------------------------|
| 10,352 | H-2B respondents                                                 |
| 1,395  | H-1B respondents                                                 |
| +      | 49,183 PERM respondents                                          |
| 60,930 | Total respondents for the H-2B, H-1B, PERM programs <sup>6</sup> |

**IV. Time Burden Monetization**

The Department receives PWD requests from employers operating across a wide spectrum of industry sectors in the U.S. economy. Salaries for employees who perform the reporting and recordkeeping functions required by this regulation may vary, including payment in hourly or annual rates, and may include instances where the corporate executive office of a large company performs some or all these functions itself. However, the Department believes that in most companies, a Human Resources (HR) Specialist (SOC code 13-1071) will perform these activities. Thus, to calculate the full cost to the employer, the Department combines the mean hourly wage of HR Specialists with the benefits and other compensation received by such employees. The national mean hourly wage for an HR

<sup>5</sup> The total responses in this section reflect PWD filings by program.

<sup>6</sup> The total respondents in this section reflect respondents for PWD filings by program.

Specialist (SOC code 13-1071) is \$38.33.<sup>7</sup> As the prevailing wage program is overwhelmingly used by private employers, the Department uses the benefit costs to private employers as a proxy for the entire prevailing wage program. The average cost of benefits for private employers is 42 percent of the hourly wage.<sup>8</sup> The total compensation is therefore \$54.43 ( $\$38.33 \times 1.42$ ) for an HR Specialist.

### Tables of Estimated Burdens<sup>9</sup>

| Information Collection Activity for ETA-9141 <sup>10</sup> | Total Annual Respondents | Frequency <sup>11</sup> | Total Annual Responses | Time Per Response (in hours) | Total Annual Burden (in hours) | Hourly Rate <sup>12</sup> | Total Annual Cost (in dollars) |
|------------------------------------------------------------|--------------------------|-------------------------|------------------------|------------------------------|--------------------------------|---------------------------|--------------------------------|
| H-2B Filings                                               | 10,352                   | 2.2246                  | 23,029                 | 0.78                         | 17,962.62                      | \$54.43                   | \$977,705.41                   |
| H-2B Center Director Reviews                               | 55                       | 1.1454                  | 63                     | 0.78                         | 49.14                          | \$54.43                   | \$2,674.69                     |
| H-2B Appeals                                               | 2                        | 1.000                   | 2                      | 1.00                         | 2                              | \$54.43                   | \$108.86                       |
| H-2B Retention                                             | 10,352                   | 2.2246                  | 23,029                 | 0.17                         | 3,914.93                       | \$54.43                   | \$213,089.64                   |
| H-1B Filings                                               | 1,395                    | 3.0194                  | 4,212                  | 0.78                         | 3,285.36                       | \$54.43                   | \$178,822.14                   |
| H-1B Redeterminations                                      | 16                       | 1.75                    | 28                     | 0.78                         | 21.84                          | \$54.43                   | \$1,188.75                     |
| H-1B Center Director Reviews                               | 2                        | 1.000                   | 2                      | 0.78                         | 1.56                           | \$54.43                   | \$84.91                        |
| H-1B Appeals                                               | 2                        | 1.000                   | 2                      | 1.00                         | 2                              | \$54.43                   | \$108.86                       |
| H-1B Retention                                             | 1,395                    | 3.0194                  | 4,212                  | 0.17                         | 716.04                         | \$54.43                   | \$38,974.06                    |
| PERM Filings                                               | 49,183                   | 4.2467                  | 208,864                | 0.78                         | 162,913.92                     | \$54.43                   | \$8,867,404.67                 |
| PERM Redeterminations                                      | 550                      | 1.3273                  | 730                    | 0.78                         | 569.4                          | \$54.43                   | \$30,992.44                    |
| PERM Center Director Reviews                               | 13                       | 1.0769                  | 14                     | 0.78                         | 10.92                          | \$54.43                   | \$594.38                       |

<sup>7</sup> The May 2024 data are not currently available as occupational profiles or in HTML tables. However, the hourly mean wages are available in table 1 of the May 2024 news release at [https://www.bls.gov/news.release/archives/ocwage\\_04022025.htm](https://www.bls.gov/news.release/archives/ocwage_04022025.htm). The data are also available as downloadable XLSX files from the main OEWS data page at <https://www.bls.gov/oes/tables.htm>. To retrieve the May 2024 data used in the document, download the file by clicking on the “National” XLSX link in the May 2024 section of the page, locate the correct occupational code (13-1071) in the “OCC\_CODE” column (column I), and go to the “H\_MEAN” column (column R) to find the hourly mean wage.

<sup>8</sup> *Employer Costs for Employee Compensation – June 2025*, U.S. Department of Labor, Bureau of Labor Statistics, <https://www.bls.gov/news.release/ecec.nr0.htm> (calculated by dividing private sector total hourly compensation by the private sector hourly wage rate).

<sup>9</sup> For the burden estimates, the Department has used H-2B, H-1B, and PERM programs data averages for FYs: 2023, 2024, and 2025.

<sup>10</sup> The “Activity for ETA-9141” column and the burden estimates in the table reflect PWD activity by program. The data provided in the table is for PWD requests by program and does not include the filings of the subsequent LCAs or applications for temporary or permanent employment certification.

<sup>11</sup> The Department derived the frequency by dividing the column for FY data for “Total Annual Responses” by the column for “Total Annual Respondents.” The data for the “Total Annual Responses” and “Total Annual Respondents” are averages from the prevailing wage program data for FYs 2023-2025. The frequency is displayed with three decimal or more places to retain the value of the calculation to the extent possible.

<sup>12</sup> The Department believes that in most companies, a Human Resources Specialist (SOC code 13-1071) will perform these activities. In estimating employer staff time costs, the Department used the national cross-industry mean hourly wage rate for a Human Resources Specialist (\$38.33), as determined by the Department’s OEWS survey, and increased it by a factor of 1.42 to account for employee benefits and other compensation, for a total hourly cost of \$54.43. See *supra* notes 7 and 8.

|                                             |                            |            |                |            |                   |                |                        |
|---------------------------------------------|----------------------------|------------|----------------|------------|-------------------|----------------|------------------------|
| PERM Appeals                                | 1                          | 1          | 1              | 1.00       | 1                 | \$54.43        | \$54.43                |
| PERM Retention                              | 49,183                     | 4.2467     | 208,864        | 0.17       | 35,506.88         | \$54.43        | \$1,932,639.48         |
| Form ETA-9141 Appendix A (for all programs) | 9,637                      | 2.6150     | 25,201         | 0.05       | 1,260.05          | \$54.43        | \$68,584.52            |
| <b>Unduplicated Totals</b>                  | <b>60,930<sup>13</sup></b> | <b>N/A</b> | <b>498,253</b> | <b>N/A</b> | <b>226,217.66</b> | <b>\$54.43</b> | <b>\$12,313,027.24</b> |

| Information Collection Activity for ETA-9165 | Total Annual Respondents | Frequency  | Total Annual Responses | Time Per Response (in hours) | Total Annual Burden (in hours) | Hourly Rate    | Total Annual Cost (in dollars) |
|----------------------------------------------|--------------------------|------------|------------------------|------------------------------|--------------------------------|----------------|--------------------------------|
| Filings                                      | 111                      | 1.613      | 179                    | 0.42                         | 75.18                          | \$54.43        | \$4,092.05                     |
| <b>Unduplicated Totals</b>                   | <b>111</b>               | <b>N/A</b> | <b>179</b>             | <b>N/A</b>                   | <b>75.18</b>                   | <b>\$54.43</b> | <b>\$4,092.05</b>              |

| Information Collection Activity Grand Total for ETA-9141 and ETA-9165 | Total Annual Respondents | Frequency  | Total Annual Responses | Time Per Response (in hours) | Total Annual Burden (in hours) | Hourly Rate    | Total Annual Cost (in dollars) |
|-----------------------------------------------------------------------|--------------------------|------------|------------------------|------------------------------|--------------------------------|----------------|--------------------------------|
| Form ETA-9141 and Related Requirements                                | 60,930                   | Varies     | 498,253                | Varies                       | 226,218.                       | \$54.43        | \$12,313,027.24                |
| Form ETA-9165 Requirements                                            | 179                      | Varies     | 179                    | Varies                       | 75                             | \$54.43        | \$4,092.05                     |
| <b>Grand Total</b>                                                    | <b>61,109</b>            | <b>N/A</b> | <b>498,432</b>         | <b>N/A</b>                   | <b>226,293</b>                 | <b>\$54.43</b> | <b>12,317,119.29</b>           |

A.13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

a) Start-up/capital costs: There are no start-up costs. There is no obligation to own a computer to participate in the programs. Anyone without computer access can request the forms from OFLC. However, to participate in the programs, employers are 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 to store and maintain records is minimal because it is a customary and usual business practice for businesses to have storage space.

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 the web-based data collection and reporting system. However, there are circumstances that may require H-2B employers to expend funds beyond their normal and usual business expenses if they choose to commission a private wage survey. For total estimated annual other costs, ETA estimates that the average annual cost of commissioning such surveys is \$188,939.45.

<sup>13</sup> See *supra* note 6.

### Form ETA-9165 Survey Costs

For the Form ETA-9165, *Employer-Provided Survey Attestations to Accompany H-2B Prevailing Wage Determination Request Based on a Non-OEWS Survey*, employers who choose to commission private wage surveys will incur costs. The cost associated with a wage survey conducted by a third party can vary widely and will depend on various factors, such as the scope of the survey, the methodology used, the number of respondents, and the nature of the sample. The Department estimates that it would take a manager (SOC code 11-0000) 8 hours to review the survey. At the mean hourly rate of \$68.15,<sup>14</sup> and a benefits factor of 1.42,<sup>15</sup> the total estimated compensation is \$96.77 per hour to review the survey ( $\$68.15 \times 1.42$ ).

The Department estimates that it would take a survey researcher (SOC code 19-3022) a total of 40 hours at \$50.15 per hour ( $\$35.32 \text{ per hour} \times 1.42$ ) to randomly select at least 3 employers and 30 employees (8 hours), collect their wage data (16 hours), calculate the hourly average wage (8 hours), and write a report and provide it to the employer (8 hours). Therefore, the cost for a wage survey is estimated at \$2,780.16 ( $(\$96.77 \times 8) + (\$50.15 \times 40)$ ).<sup>16</sup> The Department's estimate also adds 10 percent to \$2,780.16 to account for a profit for the third-party surveyor. The estimated cost of conducting a wage survey is \$3,058.18 ( $\$2,780.16 \times 1.1$ ). Because surveys are valid for two years and some employers will use state-produced surveys, the Department estimates that one-third (0.333) of the 179 employers that file the Form ETA-9165 or 60 employers ( $179 \times 0.333 = 59.607$ , rounded to 60) will conduct a private wage survey by a third-party each year that is valid for two years. The cost to employers is estimated to be \$183,490.80 ( $\$3,058.18 \times 60$ ).

In addition, the employer will request the information from surveyors needed to complete the Form ETA-9165. The Department estimates that this cost to employers is \$5,448.65. This is based on an estimate that a Survey Researcher (SOC code 19-3022) will spend, on average, 0.83 hours to compile the information necessary to complete the new form and transmit it to the employer. In estimating employer costs, the Department used the national cross-industry mean hourly wage rate for a Survey Researcher (\$35.32) and multiplied these wages by 1.42 to account for employee benefits and other non-wage compensation. The total hourly cost of a Survey Researcher is thus \$50.15 ( $\$35.32 \times 1.42$ ). However, the Department estimates that one-third (0.333) of the 179 employers that will file the Form ETA-9165 and provide state-provided surveys that incur no cost, or 60 employers ( $179 \times 0.333$ ). Therefore, it is

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<sup>14</sup> The May 2024 data are not currently available as occupational profiles or in HTML tables. However, the hourly mean wages are available in table 1 of the May 2024 news release at [https://www.bls.gov/news.release/archives/ocwage\\_04022025.htm](https://www.bls.gov/news.release/archives/ocwage_04022025.htm). The data are also available as downloadable XLSX files from the main OEWS data page at <https://www.bls.gov/oes/tables.htm>. To retrieve the May 2024 data used in the document, download the file by clicking on the "National" XLSX link in the May 2024 section of the page, locate the correct occupational code (11-0000) in the "OCC\_CODE" column (column I), and go to the "H\_MEAN" column (column R) to find the hourly mean wage.

<sup>15</sup> See *supra* note 8.

<sup>16</sup> The May 2024 data are not currently available as occupational profiles or in HTML tables. However, the hourly mean wages are available in table 1 of the May 2024 news release at [https://www.bls.gov/news.release/archives/ocwage\\_04022025.htm](https://www.bls.gov/news.release/archives/ocwage_04022025.htm). The data are also available as downloadable XLSX files from the main OEWS data page at <https://www.bls.gov/oes/tables.htm>. To retrieve the May 2024 data used in the document, download the file by clicking on the "National" XLSX link in the May 2024 section of the page, locate the correct occupational code (19-3022) in the "OCC\_CODE" column (column I), and go to the "H\_MEAN" column (column R) to find the hourly mean wage.

estimated that 119 employers will incur costs for state provided surveys (179 – 60). Thus, this cost to employers is calculated as follows:  $\$50.15 \times 0.83 \text{ hours} \times 119 \text{ employers} = \$4,953.32$ . The Department's estimate also adds 10 percent to \$4,953.32 to account for a profit for the third-party surveyor. The estimated cost of conducting a wage survey is \$5,448.65 ( $\$4,953.32 \times 1.1$ ). The total cost for the Form ETA-9165 survey process is estimated to be \$188,939.45 ( $\$183,490.80 + \$5,448.65$ ).

*A.14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expenses that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.*

The Department estimates that the annual costs to administer the PWD program are \$5,578,740. Federal administrative costs include IT systems that support application filing and case processing operations, rent, supplies, equipment, and agency indirect costs, which include support for human resources, financial and administrative oversight, and grants and contracts management. Based on past obligations and expenditures, the table below provides a detailed breakdown of the annualized costs associated with federal administration of the PWD program by major cost category.

| Major Cost Category                                | Cost Activities                                                                                                                                                             | Annualized Costs<br>(estimated) |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Contracts for Services<br>(not technology related) | <ul style="list-style-type: none"> <li>Mail, data entry, and other clerical support services;</li> <li>Case processing and administrative support for operations</li> </ul> | \$174,060                       |
| Technology Contracts for Services (O&M)            | <ul style="list-style-type: none"> <li>Application development services &amp; network infrastructure support</li> <li>Hardware &amp; software updates</li> </ul>            | \$1,552,735                     |
| GSA & DHS Services                                 | <ul style="list-style-type: none"> <li>Rent payments for office space</li> <li>Security services</li> </ul>                                                                 | \$248,934                       |
| DOL Working Capital Assessment                     | <ul style="list-style-type: none"> <li>Indirect costs associated with ETA and DOL administrative and executive management services</li> </ul>                               | \$3,586,281                     |
| Supplies & Equipment                               | <ul style="list-style-type: none"> <li>General office supplies</li> <li>Computers, printers, and other office related equipment</li> </ul>                                  | \$3,689                         |
| Mail & Telecommunications                          | <ul style="list-style-type: none"> <li>Mail or overnight delivery services</li> <li>Phone and other telecommunication related charges</li> </ul>                            | \$0                             |
| Other Costs <sup>17</sup>                          | <ul style="list-style-type: none"> <li>Travel</li> <li>Printing and other Government Agency Services</li> </ul>                                                             | \$13,041                        |
| <b>TOTAL COSTS - FEDERAL ADMINISTRATION</b>        |                                                                                                                                                                             | <b>\$5,578,740</b>              |

*A.15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.*

<sup>17</sup> Based on direct NPWC obligations and a pro-rated portion of OFLC shared and support costs.

The total number of responses, burden hours, and monetized costs associated with all collections under this ICR differ from previous estimates due to updated projections based on more recent programmatic experience and processing efficiencies due to technological improvements as well as adjustments to anticipated annual application volumes. The answer provided in A.12 provides more information regarding this burden increase. The chart below shows the changes for Form ETA-9141 from the prior ICR to this current ICR, which is an extension without changes. All estimates have been rounded up to nearest whole number.

| <b>OMB Control Number<br/>(1205-0508)</b> | <b>Previous Estimates</b> | <b>Current<br/>Estimates<sup>18</sup></b> | <b>Change</b> |
|-------------------------------------------|---------------------------|-------------------------------------------|---------------|
| Annual Responses                          | 331,339                   | 498,432                                   | + 167,093     |
| Burden Hours                              | 148,628                   | 226,293                                   | + 77,665      |
| Cost of Time                              | \$12,649,760              | \$12,317,119                              | - \$332,641   |

The Department estimates an increase to the number of annual responses from the prior estimate of 331,339 to the new estimate of 498,253 by 166,914, an increase of 50.4% between 2022 and 2025.<sup>19</sup> The Department estimates an increase to the number of annual burden hours from the prior estimate of 148,628 to the new estimate of 226,292 by 77,664 hours, an increase of 5.2% between 2022 and 2025.<sup>20</sup> Like the estimates of the annual response data, the Department utilized a three-year average of the total number of respondents that filed the Form ETA-9141 during the FYs 2023, 2024, and 2025 to determine the current burden hours estimates.

The Department's current estimated total monetized cost is \$12,317,119 from the prior estimate of \$12,649,760. Similar to the estimates for the annual responses and annual burden hours, the Department current estimate for monetized cost reflects estimates based on the average of prevailing wage data for FYs 2023, 2024, and 2025. Although the number of responses and burden hours substantially increased, this monetized cost decreased by \$333,641, a decrease of 2.6% from the previous year FYs 2019, 2020, and 2021. The estimated cost decrease for this ICR is based on a lower HR rate, rather than the HR rate in the previous estimate. Since the previous ICR, OFLC recognized the job duties required for this burden identified in this current ICR falls more appropriately under SOC 13-1071, Human Resources Specialist, rather than SOC 11-3121, Human Resources Manager. The HR manager rate used for the previous Supporting Statement was \$83.59 and the new HR specialist rate used for this Supporting Statement is \$54.43, a decrease of \$29.16 per hour. Since the difference in the mean hourly wages between the two occupations is substantial, this change in the hourly rate resulted in only a marginal reduction in the cost of time, despite the substantial increase in program burdens in responses received and total burden hours. Additionally, a minor influence is the change from using the Employer Costs of Employee Compensation for private employers, rather than all employers, given that private employers constitute the overwhelming majority of those filing PWDs, which reduced the benefits factor from 1.45 to 1.42.

<sup>18</sup> Rounded to nearest whole number.

<sup>19</sup> The change reflects estimates based in previous FYs 2019, 2020, and 2021 average of prevailing wage data to the most current estimates in FYs 2023, 2024, and 2025.

<sup>20</sup> *Id.*



*A.16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

OFLC discloses information about employer applicants to the public through its website at <https://www.dol.gov/agencies/eta/foreign-labor>. Information provided in PWD applications, including determinations, the employer's name and address, work locations, occupation, and the PWD issued by the Department, is publicly accessible in easy-to-download Microsoft Excel formats on the OFLC website.

*A.17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

The Department will display the expiration date for OMB approval on the form and instructions.

*A.18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

The Department is not seeking any exception to the certification requirements.

## **B. Collection of Information Employing Statistical Methods**

This information collection does not employ statistical methods.