

Mintz Levin Files FOIA Request for DOL Prevailing Wage Data



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Saturday, December 29, 2012

On December 7, 2012, Mintz Levin filed a request under the **Freedom of Information Act (“FOIA”)** with the **U.S. Department of Labor (“DOL”)**. The request seeks disclosure of all documentation relating to prevailing wages, statistical methodologies and internal agency communications in connection with the agency’s administration of the Foreign Labor Certification Program. This request is also relevant for employers sponsoring individuals for H-1B visas; prevailing wage data for H-1B visas and green card labor certifications is sourced from the same surveys at DOL.

The scope of Mintz Levin’s FOIA request is broad, extending to documents that reference or describe DOL’s policy to withhold from the public information related to the manner in which data is collected, analyzed and subsequently disseminated for the purpose of calculating prevailing wages. Mintz Levin filed a separate [FOIA](#)

[Request](#) for wage data compiled for each of the 50 states. DOL has confirmed receipt of these requests and is currently preparing a response.

The goal of this effort is to secure clarity and transparency in the prevailing wage process. This is important for employers who invest time and resources in **retaining the best and brightest foreign talent through H-1B visa and green card sponsorship**. Employers across the U.S. struggle to understand how the U.S. government calculates prevailing wage data for various occupations. Only four wage levels exist for prevailing wage determinations. And employers frequently find DOL wage data to be out of step with normal market conditions. The circumstances warrant a request to the DOL for the release of as much documentation as possible about the prevailing wage process.

Securing a prevailing wage is a first step for employers in a complex and burdensome H-1B visa or employment-based green card process. Employers should be able to commence an H-1B or green card process with the security of knowing that statistical data from the DOL is sound, compiled according to normative methodologies, and in line with the agency's own regulations and standards for accepting prevailing wage survey data compiled by private sector organizations.

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