

U.S. Department of Labor Employment and Training Administration
Atlanta Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303



February 12, 2009

Kenneth Parker, Prevailing Wage Specialist
Michigan Department of Labor & Economic Growth
3032 West Grand Blvd., Suite 9-400
Detroit, MI 48202

RE: Prevailing Wage Determination Appeal

Employer: [REDACTED]

America

Tracking#: [REDACTED]

Remand Notification

In accordance with 20 CFR §656.40 and §656.41 the U.S. Department of Labor has made the following determination:

The prevailing wage determination forwarded by the Michigan (MI) State Workforce Agency (SWA) issued March 3, 2008 for the position of Computer Systems Analyst Standard Occupational Classification (SOC) Occupational Information Network (O*NET) Code: 15-1051 in the amount of \$78,050.00 per year is overturned. The prevailing wage determination request (PWDR) is remanded to the MI SWA for determination based on the information provided in this letter.

Summary of Prevailing Wage Analysis:

Based on the Certifying Officer's (CO) review of the PWD provided by the SWA, we disagree with the following:

- A. The use of the Watson Wyatt Published Wage Survey as the wage source
- B. The subsequent prevailing wage of \$78,050.00 year

Reason for Remand:

In accordance with the U.S. Department of Labor's Prevailing Wage Determination Policy Guidance revised on May 9, 2005, the State Workforce Agency shall determine the prevailing wage rate using wage surveys conducted under the wage component of the Occupational Employment Statistics (OES) program when no collective bargaining agreement is provided by the employer.

Recommendation in Brief:

- The SWA is to use the OES wage survey to determine the appropriate prevailing wage.
- The SWA must utilize the "Process for Determining Wage Level" as outlined in the U.S. Department of Labor's Prevailing Wage Determination Policy Guidance revised on May 9, 2005. This guidance is available online at http://www.foreignlaborcert.doleta.gov/pdf/Policy_Nonag_Progs.pdf

Request for Review by BALCA:

Per 656.41(e), any employer desiring review of a CO prevailing wage determination must make a request for review of the determination by the Board of Alien Labor Certification Appeals (BALCA) within 30 days from the date of the decision of the CO. The requests for review must:

1. Be in writing
2. Be addressed to the CO who made the determination
3. Contain only legal arguments that were available within the record upon which the affirmation of the PWD by the SWA was based.

Requests for review will be handled by BALCA in accordance with 20 CFR §656.26 and §656.27.



Renata Jones Adjibodou
Center Director

CC: Brent W. Renison