

Perennial PERM Issues



Moderator:

- *Miki Matrician, Boston, MA*

Panelists:

- *Vincent Lau, AILA DOL Committee, Boston, MA*
- *Robert White, AILA DOL Committee, Chicago, IL*

Prevailing Wage Tips



- Occupational Code
 - "... Manager"
 - "All Other"
 - Combination of Occupations
 - Getting to Best Match

Prevailing Wage Tips



Wage Levels

- **Job Title**
 - "Senior" or "Manager"
- **Job Description**
 - Lead/Oversee/Supervise
 - People vs. Projects
- **Job Requirements**
 - Travel
 - Education/Experience
 - Foreign Language

Prevailing Wage Tips



Intended Area of Employment

- Headquarters
- Undetermined
- Roving Employee
- Client Work Locations
- Telecommuting

Prevailing Wage Tips



- Alternative Wage Surveys
 - Follow DOL Guidance
 - Match Job Description/Reqs
 - Match Intended Area
 - Submission
- Request for Redetermination
- Appeals

Avoid Common Pitfalls



Double Check at Key Milestones:

- Prevailing wage request
- Experience documentation
- Recruitment - see practice pointer
- Consistency in prevailing wage request, recruitment, and 9089.
- Beware of Section K issues

Current PERM Trends



- Changes to Audit Template
- Audit Notices and Response by Email
- Common Audit Triggers

PERM Denial Trends



- DOE, Competitive Salary or Negotiable In Lieu of Offered Salary Denials Update
 - Matter of Tek Services, 2016-PER-00207
 - DOL Committee update
 - RFRs and BALCA Review

PERM Denial Trends



- H.14 Denials Update
 - Matter of Smartzip Analytics, 2016-PER-00695
 - DOL Committee update
 - RFRs and BALCA Review

PERM Denial Trends



- Harmless Error Denials
 - RFIs, RFRs and BALCA Review

Applicant Reviews



- Recent BALCA Decisions
- Recruitment Reports
 - 2016 PERM FAQ, Round 13 on Recruitment Report

Applicant Reviews



- Guiding Employers Through Recruitment Process
 - When To Contact Applicants
 - How To Contact Applicants
- Extent of Attorney Participation



Q & A