



ACTUAL WAGE DETERMINATION FORM

The actual wage is defined as the wage rate paid by the employer to all employees with similar experience and qualifications at the place(s) of intended employment for the specific employment in question. The wage rate is established as the range of salaries paid to all employees in the same or similar positions and NOT the average of the wages.

Per the US Department of Labor's regulations, an employer intending to hire an H-1B/E-3 nonimmigrant must agree to pay either the actual wage or the prevailing wage at the place(s) of intended employment, whichever is higher, for the entire period of H-1B/E-3 employment. This includes the employer's obligation to offer benefits and eligibility for benefits provide as compensation for services to the H-1B/E-3 employee on the same basis, and in accordance, with the same criteria, as the employer offers to U.S. workers.

INSTRUCTIONS

Complete the form and keep the original in the department's files. Submit a photocopy to OISS including supporting documents used to determine the actual wage. Keep the original in the department's files.

Per the US Dept. of Labor regulations, this form along with salary information for other similarly US workers will be kept at the place(s) of employment in a separate file and made available for public examination. A second copy of these documents will be kept at the Office of International Students and Scholars for US Department of Labor inspection only.

When the pay is adjusted for the other employees during the H-1B/E-3 authorized period of employment, such adjustment shall be provided to all similarly H-1B/E-3 employees, unless the prevailing wage is higher than the adjusted actual wage. Such examples of pay adjustments are, but not limited to: cost of living increase, periodic adjustments, or the employee moves to a more advanced level in the same occupation, etc. A new Actual Wage Determination Form is be completed and kept in the department's files also to document the change in salary.

Form with fields: Name of the H-1B/E-3 Employee, Job Title and UC Payroll Title, Name of UCSB Employing Department/Research Center, Intended Dates of H-1B/E-3 Employment (Start Date, End Date), Offered Salary, Percentage of Time, and a section for selecting ONE of the following options regarding other employees.



ACTUAL WAGE DETERMINATION FORM

Identify which of following factor(s) that contributed to determining the offered salary. (Select all that applies)

- Experience
- Job responsibility and function
- Other legitimate factors that conform the recognized principles or can be demonstrated by accepted rules and standards in the industry, i.e. UCSB pay scales, Union (CBA) pay scales.
- Qualifications
- Specialized knowledge
- Education

NOTE: Minimum requirements for the job position are not the same as the employee's qualifications and experience.

Provide a written explanation based on the factor(s) selected above that were used to make the actual wage determination. Attach any supporting documentation if needed.

ATTESTATION BY THE EMPLOYER

I hereby certify that the information on this form is correct and complete.

The H-1B/E-3 employee will be paid either the actual wage or the prevailing wage at the place(s) of intended employment, *whichever is higher*, for the entire period of H-1B/E-3 employment.

If there are changes to the wage rate during the period of the certified Labor Condition Application, such adjustments will be documented with a new Actual Wage Determination Form and the increase in salary will be paid to both the H-1B/E-3 employee and other employees in a similar position.

Name of the H-1B/E-3 Employee's Supervisor or Principle Investigator:

Signature:

Date: