

## Specialty Occupation and Wage Level Issues

### Scenario 1: RFE issued only for specialty occupation without wage level discussion on complexity or specialization

IF:	THEN:
Response establishes that the position is a specialty occupation	Analyze to see whether the duties correspond to the wage level. If duties are clearly inconsistent with wage level, issue RFE concerning wage level as appropriate. See Scenario 4.
Response did not establish that the position is a specialty occupation and also did not discuss how wage level shows complexity or specialization	Deny for specialty occupation but do not include discussion regarding how wage level does not show complexity or specialization since it was not discussed in the RFE.
Response did not establish that the position is a specialty occupation but petitioner/attorney brought up wage level issue	Deny for specialty occupation. If possible, include a discussion regarding how wage level does not show complexity or specialization.

### Scenario 2: RFE issued for specialty occupation that included a discussion on how wage level does not show complexity or specialization. But RFE did not discuss how the duties do not correspond to the wage level.

IF:	THEN:
Response establishes that the position is a specialty occupation	Analyze to see whether the duties correspond to the wage level. If duties are clearly inconsistent with wage level, issue RFE concerning wage level as appropriate. See Scenario 4.
Response did not establish that the position is a specialty occupation	Deny for specialty occupation. If possible, include a discussion regarding how wage level does not show complexity or specialization.

### Scenario 3: RFE issued for specialty occupation and how the duties do not correspond to the wage level

IF:	THEN:
Response establishes that the position is a specialty occupation and that the wage level correspond	Approve
Response establishes that the position is a specialty occupation but did not establish that the wage level correspond	Deny using the wage level does not correspond denial *needs supervisor review*
Response establishes that the wage level correspond but did not establish that the position is a specialty occupation	Deny for specialty occupation only
Response did not establish that the position is a specialty occupation or that the wage level correspond	Deny for both issues *needs supervisor review*

### Scenario 4: RFE issued only for whether the duties correspond to the wage level

IF:	THEN:
Response establishes that the duties correspond to the wage level	Approve
Response did not establish that the wage level correspond	Deny using the wage level does not correspond denial *needs supervisor review*