

H-1B/HSC/E-3 Wage Leveling Chart

The following chart provides guidance for H-1B/HSC/E-3 petitions with potential wage leveling issues. Officers may issue a request for evidence if they determine that the wage level selected by the petitioner appears to be clearly inconsistent with the petitioner’s description and requirements for the proffered position or if the description of the position is extremely vague and you are unable to evaluate whether the LCA corresponds to and supports the petition.

The LCA is certified with a wage level of...	And the proffered position...	You will...
1*	<ul style="list-style-type: none"> • Appears to be a higher level position beyond entry-level, e.g. indications that the position is “senior,” “lead,” “a subject matter expert,” etc.; • Involves supervising/managing** a team or a project, e.g. indications of project budgeting, liaising with the client and defining project objectives, etc.; • Involves “teaching,” “coaching,” “mentoring,” or “training” other individuals <u>in parallel positions</u>; • Requires a higher level of experience or education as compared to the O*NET listing for the occupation, e.g. a job zone four occupation but the proffered position requires a master’s degree; and/or • Involves other <u>significantly</u> advanced duties not generally associated with the listing for the occupation in the O*NET. 	<p>If specialty occupation <u>is</u> established:</p> <p>Address wage leveling via standard paragraph 2124 <u>after obtaining SISO concurrence.</u></p> <hr/> <p>If specialty occupation <u>is not</u> established:</p> <p>Address specialty occupation with standard paragraphs/snippets 2120, 2125 (if applicable), and 2126.</p> <p>Note: SISO concurrence <u>is not</u> required if specialty occupation is also being questioned.</p>
1*	<p>Involves duties which appear to closely align with or be typical of the occupation certified on the LCA, as listed in the O*NET, and appears to require the same or lower experience, education, and skills of that occupation. Nothing in the record establishes that the proffered position is clearly inconsistent with the certified LCA wage level, AND SPECIALTY OCCUPATION <u>IS ESTABLISHED.</u></p>	<p>Not address wage leveling.</p>

The LCA is certified with a wage level of...	And the proffered position...	You will...
1*	Involves duties which appear to closely align or be typical of the occupation certified on the LCA, as listed in the O*NET, and appears to require the same or lower experience, education, and skills of that occupation. The record does not establish that the proffered position is clearly inconsistent with the certified LCA wage level AND SPECIALTY OCCUPATION IS NOT ESTABLISHED.	Address specialty occupation with standard paragraphs/snippets 2120 and 2125 (if applicable). In addition, standard paragraph 2126 should generally be included unless you feel the duties and qualification requirements are clearly established and/or the record establishes that the proffered position is clearly consistent with the certified LCA wage level. Note: SISO concurrence not required if specialty occupation is also being questioned.
1*	Description is extremely vague or inconsistent and/or the position requirements are extremely vague or inconsistent, to the extent that you are unable to evaluate whether the LCA relates to the proffered position.	<p>If specialty occupation <u>is</u> established:</p> <p>Address wage leveling via standard paragraph 2124, with discussion of vague duties and/or requirements, <u>after obtaining SISO concurrence.</u></p> <p>If specialty occupation <u>is not</u> established:</p> <p>Address specialty occupation with standard paragraphs/snippets 2120, 2121, 2125 (if applicable), and 2126.</p> <p>Note: SISO concurrence is not required if specialty occupation is also being questioned.</p>
N/A		Forward the petition, without further consideration or adjudication, to the Wage Level N/A team via the POCs designated on the Business Bulletin Board posting.

* Wage Levels of 2 or 3 might also be inconsistent with the proffered position; however, establishing a clear inconsistency is extremely difficult in most scenarios. Please see your SISO or an ISO3 if you feel that a Wage Level 2 or 3 LCA is clearly inconsistent with the proffered position.

** This does not apply to occupations which inherently involve supervision or management, e.g. computer and information systems managers or general and operations managers. Supervision of lower level positions and project management could be appropriate for wage level 1 positions within these occupations. However, if they are supervising or managing other individuals in the same position, e.g. a computer and information systems manager supervising other computer and information systems managers, wage level 1 might not correspond to the proffered position. Please see your SISO or an ISO3 if you encounter this scenario.

Note: Officers are reminded to properly adjudicate all H-1B/HSC/E-3 eligibility grounds and should not focus solely on wage leveling. Additionally, the totality of the evidence of the record must be considered when evaluating whether the LCA corresponds to and supports the petition.