

**Commonwealth of the Northern Mariana Islands (CNMI)
Prevailing Wage Requests for Non-agricultural Programs Administered by
the Office of Foreign Labor Certifications (OFLC)
Frequently Asked Questions (FAQs)**

On November 28, 2009, the Immigration and Nationality Act (INA) will apply to the Commonwealth of the Northern Mariana Islands for the first time. This was required by the Consolidated Natural Resources Act, Pub. L. No. 110-229, Title VII, Subtitle A, 122 Stat. 754, 853 (2008). The Office of Foreign Labor Certification has prepared these answers to assist employers in CNMI seeking to file applications for labor certification to obtain necessary prevailing wage determinations.

Question: How do I obtain a prevailing wage for a non-agricultural (permanent, H-2B, H-1B, H-1B1, E-3) position in the Commonwealth of the Northern Mariana Islands from November 28, 2009 to December 31, 2009?

Answer: As of November 28, 2009, to obtain a prevailing wage for a non-agricultural position in the CNMI, please download the Application for Prevailing Wage Determination, ETA Form 9141, from http://www.foreignlaborcert.doleta.gov/pdf/ETA_Form_9141.pdf and fill in the required fields and any applicable optional fields with the appropriate information. Mail or courier the completed form to:

U.S. Department of Labor, ETA
Office of Foreign Labor Certifications
Attn: CNMI PWD
C-4312
200 Constitution Ave, NW
Washington, DC 20210

Any Application for Prevailing Wage Determination received prior to November 28, 2009 will be returned unprocessed.

Question: How do I obtain a prevailing wage for a non-agricultural (permanent, H-2B, H-1B, H-1B1, E-3) position in the Commonwealth of the Northern Mariana Islands on or after January 1, 2010?

Answer: The prevailing wage request process will be the same for all work locations on applications for OFLC administered programs, to include CNMI.

Question: How will OFLC calculate the prevailing wage for non-agricultural (permanent, H-2B, H-1B, H-1B1, E-3) positions in the Commonwealth of the Northern Mariana Islands?

Answer: The Department will follow its regulations with respect to the setting and calculation of wages in CNMI as in all other jurisdictions subject to the INA. As with all prevailing wages, a collective bargaining agreement will set the wage if there is such an agreement currently in place. If there is no collective bargaining agreement the employer may provide a survey which complies with the regulations 20 CFR 655.10 (for H-2B positions), 655.731 (for H-1B, H-1B1, E-3 positions), or 656.40 (for H-1B, H-1B1, E-3 or permanent positions) as appropriate for the visa classification. If there is no collective bargaining agreement and the employer does not provide a survey or provides one that does not meet the regulatory standards, OFLC will issue a prevailing wage using Davis Bacon Act (DBA) or Service Contract Act (SCA), as appropriate. See <http://www.wdol.gov/>. For U.S. work locations other than CNMI, OFLC uses the Bureau of Labor Statistics' Occupational Employment Statistics (OES) wage information; there are no OES data available for CNMI at this time.