

Actual Wage Determination

See page 2 for instructions on how to complete this form

- Name of Foreign National:
- Job Title: _____ in Department/College/School:
- Staff _____ Research Fellow
Faculty¹ _____ Other, i.e.: _____
- Number of all employees in department in same job title (excl. the H-1B beneficiary):
- Please indicate which of the following factors are used in the unit to determine whether employees in the same job title are similarly qualified:

Faculty ¹ and Research Fellows	
<input type="checkbox"/>	highest degree
<input type="checkbox"/>	time since degree
<input type="checkbox"/>	total years of experience
<input type="checkbox"/>	time in rank
<input type="checkbox"/>	first faculty appointment
<input type="checkbox"/>	# of publications
<input type="checkbox"/>	# of recent publications
<input type="checkbox"/>	subspecialty
<input type="checkbox"/>	amount of received award funding
<input type="checkbox"/>	grant guidelines, e.g. NIH guidelines
<input type="checkbox"/>	special duties ² :
<input type="checkbox"/>	Other ² :

Staff and Other - as determined by HR	
<input type="checkbox"/>	education
<input type="checkbox"/>	experience
<input type="checkbox"/>	qualifications
<input type="checkbox"/>	job responsibility and function
<input type="checkbox"/>	specialized knowledge
<input type="checkbox"/>	all of the above

Additional comments:

- Number of employees in same job title who are similarly qualified (excl. the H-1B beneficiary):
- Wage range for similarly qualified individuals listed in question #6 (excl. the H-1B beneficiary):

\$ _____ to \$ _____ per ☐ year/ ☐ hour (required for part-time positions).³

- Wage rate to be paid to the H-1B beneficiary: \$ _____
- Salaries of employees are adjusted on a _____ basis (e.g. annual).
- Adjustments are made based on the following factors (e.g. merit, NIH guidelines):

Determination made by:

Name: _____ Title: _____ Uniqname: _____

Signature: _____ Date: _____

¹ Including Research Faculty, Clinical Faculty and Faculty of Practice

² Attach separate document, if needed

³ All part-time positions must be expressed as an hourly rate. To establish the hourly rate, use the FTR and divide by 2,080

Actual Wage Determination Instructions

The required minimum wage rate for employees in H-1B, H-1B1 or E-3 status is in part dependent on the “actual wage.” The actual wage is based on internal wage data, i.e. the wages of those individuals who are considered to be similarly employed and similarly qualified at the University of Michigan.

For H-1B, H-1B1 or E-3 purposes, when determining which employee or group of employees is similarly qualified, by regulation, **the following factors may be considered**: experience, qualifications, education, job responsibility and function, specialized knowledge, and other “legitimate business factors.” Legitimate business factors are those factors that are necessary because they conform to recognized principles or can be demonstrated by accepted rules and standards.

The hiring department must document the actual wage rate to establish that it will not pay the individual in H-1B, H-1B1 or E-3 status less than other employees with similar duties who are similarly qualified (and proportionally more than their less-qualified peers). The salaries of individuals who are *more* qualified need not be considered; it is understood that they are often compensated at a higher level.

NOTE: If there are no individuals in the same position who are similarly qualified, the wage offered to the individual in H-1B, H-1B1 or E-3 status will be deemed the actual wage.

Actual Wage Determination form questions

- Q#4 Indicate the number of employees in the same job title/UM classification. Do not include the individual for whom sponsorship is being sought.
- Q#5 Mark all the relevant factors that were considered in determining the wage for the individual for whom sponsorship is sought/ which employees are similarly qualified.
- Q#6 Of the number of employees in the same job title/UM classification, as listed in Q#4, indicate how many are considered similarly qualified (based on the factors selected in Q#5)
- Q#7 Reflect the wage range for the group of similarly qualified individuals, as listed in Q#6. If there are no similarly qualified employees, leave blank. *If the resulting wage range is very wide, this may be an indication that the group of employees is not truly similarly qualified and should be narrowed further.*
- Q#8 Indicate the wage offered to the individual for whom sponsorship is sought. This salary should be within the range as listed in Q#7. If there are no similarly qualified employees, the wage offered to the individual for whom sponsorship is sought is deemed to be the actual wage.

The Actual Wage Determination should be made by the following offices, *unless otherwise specified by School, College or Unit*:

- Ann Arbor campus:
 - Dean’s office – Faculty positions (including Research Faculty, Clinical Faculty and Faculty of Practice)
 - Departmental HR Administrator – Staff, Postdoctoral Research Fellows and other positions
- Dearborn campus: Office of Human Resources
- Flint campus: Office of Human Resources