Guide to Establishing the Comparable Pool of Workers

Step 1: Identify the employees in your unit or department who have the same title. Enter this number under “Total # of same pos title in unit” under “Employment Detail” in the H1U screen.

For example, if the H-1B worker’s title is Research Associate, you should identify other employees in the department or center who also are Research Associates and enter this number.

Step 2: Divide this group of workers with the same title into subgroups based on similar qualifications and years of experience. Determine which group the H-1B belongs to based on his/her qualifications and experience. Use this group as the pool of similar employees whose information will be listed to establish an appropriate salary for the H-1B.

Enter the number of people in this group under “Total # w/ similar experience & qualifications” under “Employment Detail” in the H1U screen.

For example, you might divide your larger group of Research Associates into two subgroups: 1) RAs who hold a PhD and have one to three years of experience and 2) RAs who hold a PhD and have four to six years of experience.

Since your H-1b worker has a PhD and five years of experience, you choose the second group as the comparable pool of similarly qualified workers. Your unit has six people (excluding the H-1B) in this second group, so you enter “6” as the total number with similar experience and qualifications.

Please note that you must take into account the years of experience that the H-1B worker has gained overseas. The U.S. Dept. of Labor does not permit classifying H-1B workers in a lower category than they would otherwise be entitled because their degrees and/or job experience comes from overseas.

Step 3: Identify the factors that determine individual salaries within the group of similar employees. In other words, what items result in higher pay for some of the group members? Factors can include publications, patents or products developed, specialized expertise, years of experience within the group, etc.

The information that you gather in Step 3 is the information that should be documented in the employment detail section of the H1U screen under “Similar exp & qual desc”.

For example, the section below shows what information should be provided in an application for an H-1B worker with a proposed wage of $40,000. The other similar workers are identified by UID number, not by name, and the primary factors in establishing their salary above the minimum within the group are listed on the right.

UID:108333333 $40,000
UID:108111111 $42,000 supervisory responsibilities
UID:108222222 $43,000 3 years of experience