

Before an employer may submit an H-1B or E-3 petition on behalf of an employee, US federal law requires that the employer document that the employee will be paid the "actual wage" for his/her position. The actual wage is defined as the range paid to all individuals in the department with similar experience and qualifications as the prospective H-1B or E-3 worker for the position. The prospective H-1B or E-3 employee will be considered to be receiving the actual wage if his or her salary falls within or above the range of wages currently paid to comparable employees in the same department. Where no other such employees exist at the place of employment, the actual wage shall be the wage paid to the H-1B or E-3 nonimmigrant by NC State University.

PROSPECTIVE EMPLOYEE INFORMATION (To be completed by the department)

First Name _____ Middle Name _____ Last Name _____

Employee ID Number (if applicable) _____

Education (degree held by prospective employee) _____

Number of years of relevant post degree experience of prospective employee _____

Position Title _____ Salary _____ FTE _____

Brief description of job duties _____

In order to document the actual wage, please list all individuals in the department with the same position title (both nonimmigrants and US citizens). As this form must be made available for public inspection upon request, do not include other employee's names on the form. Please identify them by Employee ID.

When citing salary differential, the following criteria may be used to show why another employee is being paid at a higher wage than the prospective H-1B or E-3 employee:

- Employee has more relevant work experience than the prospective H1-B employee
- Employee has more responsibility
- Employee has higher/more relevant educational credentials
- Employee does not work the same number of hours

The following criteria may not be used to indicate why another employee is being paid at a higher wage than the prospective H-1B or E-3 employee:

- Employee is funded by different grant than the prospective H-1B or E-3 employee
- Employee has different area of research
- Employee demanded more salary
- NC State University salary freeze (past or present) resulted in different pay
- Insufficient, uncertain, or change of funding

