June 13, 2016
Submitted via email to: OESinfo@bls.gov

These comments are submitted by NAFSA: Association of International Educators (NAFSA) in response to "Proposed changes to occupation, industry, and area detail in the OES survey," published at http://www.bls.gov/oes/detail.htm on the web site of the Bureau of Labor Statistics (Bureau) on May 19, 2016. With nearly 10,000 members at more than 3,500 colleges and universities, NAFSA is the world's largest nonprofit professional association dedicated to international education. Our membership includes many professionals who obtain prevailing wage determinations from the Office of Foreign Labor Certification (OFCL) in connection with temporary and permanent immigration programs managed by the OFLC, as those programs affect U.S. higher education.

The Department of Labor's National Prevailing Wage Center (NPWC) utilizes data sets from the OES to render Prevailing Wage Determinations (PWDs) used in the H-1B, H-1B1, H-2, E-3, and PERM processes. PWDs must be based on data that represents the average wages paid to "workers similarly employed" in the "area of intended employment."[see 20 CFR 656.40(b) and 20 CFR 655.731(a)(2)]

NAFSA requests that the Bureau reconsider this proposal and refrain from making the proposed changes. We believe that the proposed aggregations, particularly drastically collapsing the subcategories in the "Postsecondary teachers" category, will significantly impact higher education institutions and affiliates. If the Bureau determines that such a significant change is necessary, we recommend that it utilize the notice and comment process to provide wider notice to stakeholders and the public, provide a more reasonable period for them to analyze the proposed changes, and explain the proposed changes and the basis for them more clearly.

The proposal is unclear but appears to indicate that the Bureau intends to collapse the 37 subcategories that currently comprise the category "Postsecondary teachers, except Graduate teaching assistants and

Vocational education teachers, postsecondary" into a single "postsecondary teachers" mega-category. Apparently the Bureau would no longer gather and publish data for postsecondary teachers in specific disciplines described in the O*NET-SOC, but would offer only a single aggregate wage for all postsecondary teachers. For example, the Bureau would no longer publish separate wage data for postsecondary law teachers (25-1112) and postsecondary fitness studies teachers (25-1193). In the Washington, DC area (BLS area 47894 Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan), the Level 1 wage for a law teacher is $55,400, and the Level 1 wage for a fitness studies teacher is $33,420. Should the Bureau provide one average wage level for these two teaching disciplines, it would be quite inaccurate for both.

Aggregating the wage data of occupations whose education, knowledge bases, tasks, tools, and technology usage are so disparate would render it useless or at least quite inaccurate when used to determine a prevailing wage level for the included disciplines. This seems contrary to the Bureau's interest in "ensuring the program continues to provide the high quality employment and wage data customers need." NAFSA previously suggested that the Bureau, rather than reducing the specificity of wage data, should *expand* categories to ensure that its data is accurate and useful. (See NAFSA's 2014 comment letter at https://www.nafsa.org/uploadedFiles/Chez_NAFSA/Find_Resources/Supporting_International_Students_And_Scholars/ISS_Issues/soc_manual_comment.pdf).

The Bureau has provided no justification for the proposed changes. If it deems the changes necessary, the Bureau should provide a thorough explanation and justification to the users of the current BLS data. The Bureau has noted that its "objective is to curtail survey detail for lesser-valued products . . ." but it remains unclear why the Bureau seems to have determined that its detailed wage data for postsecondary teachers is not valuable. NAFSA respectfully submits that use of the data by OFLC in its prevailing wage determination processes makes accurate and precise BLS data essential.

NAFSA further recommends that if the Bureau intends to proceed with these changes, it should provide broader notice to stakeholders and the public and additional time for them to analyze the changes and provide input about them to the Bureau. The proposed changes seem only to have been announced on the Bureau's web site and in a summary manner, and the Bureau has allowed stakeholders and the public only about three weeks to analyze the proposed changes and comment. We recommend publishing a more detailed proposal in the *Federal Register* and providing a 90-day comment period.

Sincerely,

Judy Judd-Price
Deputy Executive Director