

# Highlights of the 2025-2026 Edition

The 2025-2026 Edition of the *Labor Certification Handbook* contains:

- Discussion of impact of government shutdowns on DOL operations and processing of PERM and PWD applications (including some recommendations for recruitment that is expiring during a shutdown period or when deadlines for RFI or audit responses fall in the period)
- Update on the DOL transition to PERM applications in the FLAG system (all legacy cases have been fully processed and all applications in the current backlog were filed in FLAG and several enhancements have been made to PERM module and case management system)
- Latest information on PERM processing times, statistics, and trends (the OFLC has confirmed that it is not auditing PERM applications as the agency continues to adapt to FLAG and focus on the backlog—the agency is instead issuing more PERM requests for information)
- Report on the new DOL position on combination of occupation cases requiring an employer to check “Yes” to Question G.7 if the PWD indicates that the offered job involves a combination of occupations even if the employer does not believe that to be the case (employers must now challenge such findings at the PWD stage)
- Analysis of other DOL guidance on key PERM issues, including listing fewer skills on a PERM application than listed on the Form ETA-9141, reporting problems with work location fields not properly prepopulating on a PERM application, demonstrating that qualifying work experience with an employer was gained in a position not “substantially comparable” to the PERM job, repeating information from the PWD on the PERM application, complying with pay-transparency laws, and reporting certain changes to pending PERM applications
- Discussion of important guidance on prevailing wage issues, including use of alternative wage surveys when survey areas not based on MSAs, wage levels for travel and relocation requirements, using PWDs for multiple purposes, describing remote/hybrid work on Form ETA-9141, responding to PWD RFIs, and validity of PWDs after change in location employer name/FEIN
- Survey of new BALCA cases addressing documentation for employee referral programs, location of recruitment and PWD for telecommuter positions, timing issues for a PERM application when ongoing recruitment steps are involved, and rejection of U.S workers based on lack of experience in key job duties
- UPDATE SERVICE FOR WESTLAW USERS—interim electronic updates to *Labor Certification Handbook* via Fragomen Business Alerts database (see Preface for details)