

# The 2023 Adverse Effect Wage Rate Rule

APPLIES TO JOB ORDERS (ETA-790A)  
FILED ON OR AFTER MARCH 30, 2023

# 2023 AEWB Final Rule: What does it do?

- ▶ Changes the methodology for how the AEWB is calculated:
  - ▶ The 6 FLS job codes remain;
  - ▶ However, now OEWS job codes can be issued by the SWA or Department of Labor depending on duties in the Job Order.
- ▶ What is the OEWS? Occupational Employment and Wage Statistics
  - ▶ A national non-farm survey of wages conducted by BLS;
  - ▶ A three-year running average reported in May of each year.

# 2023 AEWB Final Rule: What does it do?

- ▶ The AEWB hierarchy for FLS job codes:
  - ▶ If the duties are wholly in one of the FLS job codes, the annual field and livestock workers (combined) wage for the state or territory is issued. This is the traditional AEWB.
    - ▶ 45-2041 - Graders and Sorters, Agricultural Products.
    - ▶ 45-2091 - Agricultural Equipment Operators.
    - ▶ 45-2092 - Farmworkers and Laborers, Crop, Nursery, and Greenhouse.
    - ▶ 45-2093 - Farmworkers, Farm, Ranch, and Aquacultural Animals.
    - ▶ 53-7064 - Packers and Packagers, Hand.
    - ▶ 45-2099 - Agricultural Workers, All Other.
  - ▶ This wage is updated annually in December/January.

# 2023 AEWB Final Rule: What does it do?

- ▶ **The AEWB hierarchy for OEWS job codes:**
  - ▶ **If some of the duties in the Job Order overlap with OEWS job duties, the SWA will issue both the FLS job code and an OEWS job code.**
  - ▶ **The wage associated with the OEWS job code is the mean wage for the state as reported by BLS.**
  - ▶ **This wage is updated annually in May, and a notice will be published by OFLC in the Federal Register before July 1 each year.**

# 2023 AEWL Final Rule: What does it do?

- ▶ Which wage do I have to pay?
  - ▶ As always you must pay whichever wage is the highest at the time the work is being performed.
  - ▶ For example, a Job Order in California that is coded with both the farmworker job code and the shuttle drivers and chauffeurs job code will pay the FLS AEWL, \$19.75, since that is higher than the OEWS AEWL, \$19.35.
  - ▶ **However**, if on July 1, 2023 DOL publishes updated OEWS wages and the shuttle drivers and chauffeurs job code increases to \$19.76 or higher, you will have to increase the wage paid to the OEWS AEWL—for everyone in your job order!

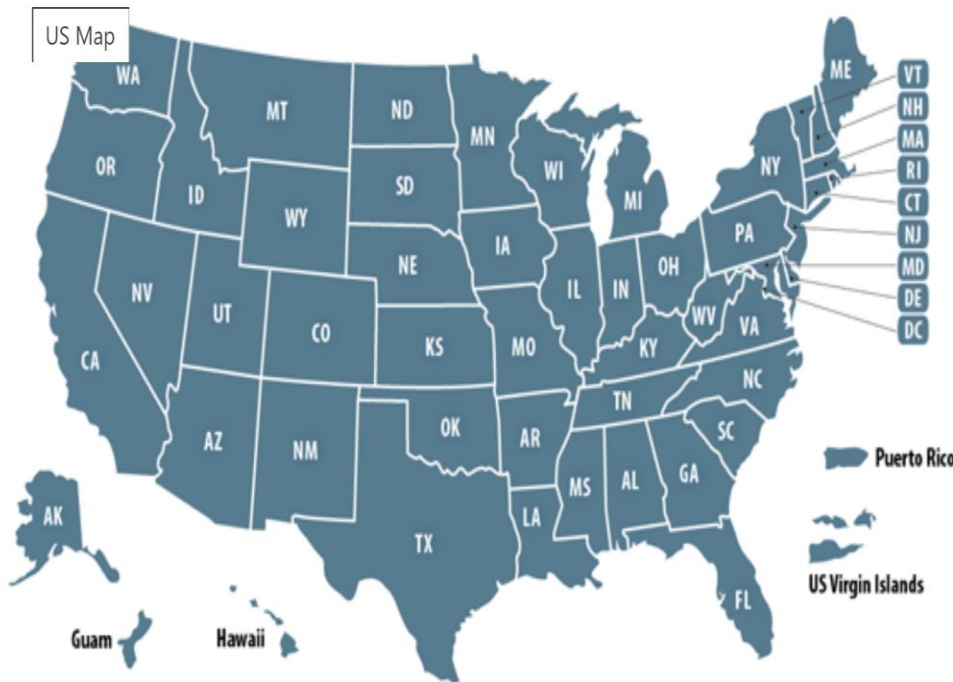
# Occupational Employment and Wage Statistics

<a href="#">OEWS Home</a>	<a href="#">OEWS Publications ▾</a>	<a href="#">OEWS Data ▾</a>	<a href="#">OEWS Methods ▾</a>	<a href="#">About OEWS ▾</a>	<a href="#">Contact OEWS</a>
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## May 2022 State Occupational Employment and Wage Estimates

To view occupational employment and wage estimates for a state, district, territory, or commonwealth, click on the abbreviation on the map below or scroll down to the [alphabetical list](#).



# How to Look up the OEWS Wage

Print Boarding Passes and Security... OEWS - Google Search California - May 2022 OEWS State...

bls.gov/oes/current/oes\_ca.htm

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## May 2022 State Occupational Employment and Wage Estimates

### California

These occupational employment and wage estimates are calculated with data collected from employers in all industry sectors in metropolitan and nonmetropolitan areas in California.

Additional information, including the hourly and annual 10th, 25th, 75th, and 90th percentile wages and the employment percent relative standard error, is available in the [downloadable XLS file](#).

[Links to OEWS estimates for other areas and states](#)

Major Occupational Groups in California (**Note**--clicking a link will scroll the page to the occupational group):

- 00-0000 [All Occupations](#)
- 11-0000 [Management Occupations](#)
- 13-0000 [Business and Financial Operations Occupations](#)
- 15-0000 [Computer and Mathematical Occupations](#)
- 17-0000 [Architecture and Engineering Occupations](#)
- 19-0000 [Life, Physical, and Social Science Occupations](#)
- 21-0000 [Community and Social Service Occupations](#)
- 23-0000 [Legal Occupations](#)
- 25-0000 [Educational Instruction and Library Occupations](#)
- 27-0000 [Arts, Design, Entertainment, Sports, and Media Occupations](#)
- 29-0000 [Healthcare Practitioners and Technical Occupations](#)
- 31-0000 [Healthcare Support Occupations](#)
- 33-0000 [Protective Service Occupations](#)
- 35-0000 [Food Preparation and Serving Related Occupations](#)
- 37-0000 [Building and Grounds Cleaning and Maintenance Occupations](#)
- 39-0000 [Personal Care and Service Occupations](#)
- 41-0000 [Sales and Related Occupations](#)

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# Mean Hourly Wage (Not Median)

Print Boarding Passes and Security... OEWs - Google Search California - May 2022 OEWs State... bls.gov/oes/current/oes\_ca.htm#53-0000

53-0000	<a href="#">Transportation and Material Moving Occupations</a>	major	1,537,150	0.5%	87.161	0.95	\$19.27	\$22.54	\$46,880	0.5%
53-1041	<a href="#">Aircraft Cargo Handling Supervisors</a>	detail	1,160	5.4%	0.066	1.23	\$25.78	\$30.50	\$63,440	2.2%
53-1047	<a href="#">First-Line Supervisors of Transportation and Material Moving Workers, Except Aircraft Cargo Handling Supervisors</a>	detail	66,180	1.6%	3.753	0.94	\$28.37	\$30.03	\$62,450	0.8%
53-2011	<a href="#">Airline Pilots, Copilots, and Flight Engineers</a>	detail	9,670	0.6%	0.548	0.91	(4)	(4)	\$252,110	2.2%
53-2012	<a href="#">Commercial Pilots</a>	detail	4,660	6.4%	0.264	0.80	(4)	(4)	\$142,350	3.8%
53-2021	<a href="#">Air Traffic Controllers</a>	detail	2,350	5.8%	0.133	0.93	\$64.25	\$65.06	\$135,320	3.5%
53-2022	<a href="#">Airfield Operations Specialists</a>	detail	3,280	9.0%	0.186	1.87	\$22.72	\$25.76	\$53,580	1.6%
53-2031	<a href="#">Flight Attendants</a>	detail	13,060	0.7%	0.740	1.01	(4)	(4)	\$73,570	0.5%
53-3011	<a href="#">Ambulance Drivers and Attendants, Except Emergency Medical Technicians</a>	detail	520	18.8%	0.029	0.44	\$16.36	\$18.19	\$37,830	3.1%
53-3031	<a href="#">Driver/Sales Workers</a>	detail	49,280	8.2%	2.795	0.84	\$18.62	\$20.89	\$43,460	2.4%
53-3032	<a href="#">Heavy and Tractor-Trailer Truck Drivers</a>	detail	186,140	2.7%	10.555	0.79	\$24.99	\$26.37	\$54,850	0.7%
53-3033	<a href="#">Light Truck Drivers</a>	detail	125,940	2.1%	7.141	1.00	\$20.99	\$23.19	\$48,230	0.6%
53-3051	<a href="#">Bus Drivers, School</a>	detail	15,980	4.4%	0.906	0.37	\$23.95	\$24.27	\$50,480	1.2%
53-3052	<a href="#">Bus Drivers, Transit and Intercity</a>	detail	21,150	2.8%	1.199	1.25	\$28.08	\$28.58	\$59,450	0.7%
53-3053	<a href="#">Shuttle Drivers and Chauffeurs</a>	detail	21,840	4.2%	1.238	0.91	\$17.64	\$19.35	\$40,250	1.0%
53-3054	<a href="#">Taxi Drivers</a>	detail	530	37.9%	0.030	0.32	\$15.15	\$17.38	\$36,150	5.1%
53-4011	<a href="#">Locomotive Engineers</a>	detail	2,900	25.9%	0.164	0.67	\$31.79	\$34.27	\$71,270	7.7%
53-4013	<a href="#">Rail Yard Engineers, Dinkey Operators, and Hostlers</a>	detail	430	12.6%	0.024	1.34	\$31.94	\$27.55	\$57,300	3.3%

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Type here to search 58°F 12:07 AM 1/23/2024



# How to determine if you have OEWS job duties

The screenshot displays the O\*NET OnLine website interface. At the top left is the O\*NET logo and the text "O\*NET OnLine". To the right is an "Occupation keyword search" box with a search icon, the text "electrician", and a "Go" button. Below the header is a navigation bar with links for "Help", "Find Occupations", "Advanced Searches", "O\*NET Data", and "Crosswalks", along with "Share" and "Sites" options.

Two main promotional banners are visible: "O\*NET OnLine features" with a background image of a construction crane, and "More career sites & resources" with a collage of various people in different professions.

On the left side, there is a vertical menu with a "Find Occupations" section highlighted in blue. A red arrow points from the "Find Occupations" menu item to the "Occupation Keyword Search" box. The "Occupation Keyword Search" box contains a search input field with the text "dental assistant" and a "Go" button. Below the input field, it shows "Examples: 25-1011.00, dental assistant" and a "Search O\*NET-SOC occupations" button.

On the right side, there are two featured sections. The first is titled "I want to be a..." and includes the text: "Start the career you've dreamed about, or find one you never imagined. Discover your interests with the [O\\*NET Interest Profiler](#) and find more exploration options at [My Next Move](#)." Below this text is a purple button that says "Find your career at My Next Move". The second section is titled "ATTN: VETERANS" and includes the text: "Put your military skills and experience to work in civilian life." Below this text is a dropdown menu showing "Army (MOS)" and a search input field with the text "15W" and a "Go" button.

# How to determine if you have OEWS job duties

**O\*NET OnLine** Occupation keyword search  
electricician Go

Help Find Occupations Advanced Searches O\*NET Data Crosswalks Share Sites

## Farmworkers and Laborers, Crop, Nursery, and Greenhouse

45-2092.00 Updated 2023

Manually plant, cultivate, and harvest vegetables, fruits, nuts, horticultural specialties, and field crops. Use hand tools, such as shovels, trowels, hoes, tampers, pruning hooks, shears, and knives. Duties may include tilling soil and applying fertilizers; transplanting, weeding, thinning, or pruning crops; applying pesticides; or cleaning, grading, sorting, packing, and loading harvested products. May construct trellises, repair fences and farm buildings, or participate in irrigation activities.

**Sample of reported job titles:** Farm Laborer, Farmer, Field Irrigation Worker, Gardener, Greenhouse Worker, Grower, Harvester, Nursery Worker, Orchard Worker, Picker

Summary Details Custom Easy Read Veterans Español

Contents

### Occupation-Specific Information

#### Tasks


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- Record information about crops, such as pesticide use, yields, or costs.

ink/summary/45-2092.00 monitor the work of casual and seasonal help during planting and harvesting.

# How to determine if you have OEWS job duties

Contents	isplayed
+	Record information about crops, such as pesticide use, yields, or costs.
+	Direct and monitor the work of casual and seasonal help during planting and harvesting.
+	Participate in the inspection, grading, sorting, storage, and post-harvest treatment of crops.
+	Harvest plants, and transplant or pot and label them.
+	Repair and maintain farm vehicles, implements, and mechanical equipment.
+	Harvest fruits and vegetables by hand.
+	Set up and operate irrigation equipment.
+	Inform farmers or farm managers of crop progress.
+	Identify plants, pests, and weeds to determine the selection and application of pesticides and fertilizers.
+	Operate tractors, tractor-drawn machinery, and self-propelled machinery to plow, harrow and fertilize soil, or to plant, cultivate, spray and harvest crops.
+	Load agricultural products into trucks, and drive trucks to market or storage facilities.
+	Clean work areas, and maintain grounds and landscaping.
+	Sell and deliver plants and flowers to customers.
+	Sow grass seed, or plant plugs of grass.
+	Regulate greenhouse conditions, and indoor and outdoor irrigation systems.
+	Cut, roll, and stack sod.
+	Feel plants' leaves and note their coloring to detect the presence of insects or disease.
+	Provide information and advice to the public regarding the selection, purchase, and care of products.
+	Maintain and repair irrigation and climate control systems.
+	Dig, cut, and transplant seedlings, cuttings, trees, and shrubs.
+	Record information about plants and plant growth.
+	Maintain inventory, ordering materials as required.
+	Dig, rake, and screen soil, filling cold frames and hot beds in preparation for planting.
+	Inspect plants and bud ties to assess quality.
+	Trap and destroy pests, such as moles, gophers, and mice, using pesticides.
+	Move containerized shrubs, plants, and trees, using wheelbarrows or tractors.
+	Tie and bunch flowers, plants, shrubs, and trees, wrap their roots, and pack them into boxes to fill orders.
+	Haul and spread topsoil, fertilizer, peat moss, and other materials to condition soil, using wheelbarrows or carts and shovels.
+	Repair farm buildings, fences, and other structures.
+	Plant, spray, weed, fertilize, water, and prune plants, shrubs, and trees, using gardening tools.

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- ▶ Examples of common non-Magic 6 occupations and wages through June 30, 2024:
    - ▶ Shuttle drivers: SOC 53-3053: \$19.35/hr.
    - ▶ First-Line Supervisors (Farm, Fish, Forestry Workers): SOC 45-1011: \$27.69/hr.
    - ▶ Farm Equipment Mechanics & Service Technicians: SOC 49-3041: \$25.53/hr.
    - ▶ Heavy Tractor-Trailer Truck Drivers: SOC 53-3032: \$26.37/hr.
    - ▶ Construction Laborer: SOC 47-2061: \$27.03/hr.

# What we are seeing at OFLC

- ▶ FAQ Round 2: July 11, 2023: Important examples of AEWR rule implementation
- ▶ Recent trend back to SOC 45-2092 even if driving passenger vans
- ▶ DOL and EDD inconsistencies on assigning SOC codes
  - ▶ Mechanics
  - ▶ Machinists
  - ▶ Food Preparation Workers
  - ▶ Row Boss, Crew Leaders
  - ▶ Bus drivers on farms

# AEWR Rule and Wage & Hour

To Be Determined!



Questions?