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October 15, 1993

John W. Clark  
Deputy Assistant Attorney General  
Antitrust Division  
Department of Justice  
Washington, D.C. 20530

Re: Business Review-Proposed Wage and Salary Survey and Report

Dear Mr. Clark:

Kindly accept this letter and the accompanying documentation as a request on behalf of the New Jersey Hospital Association ("NJHA"), for a business review pursuant to 28 C.F.R. §50.6 and 58 Fed. Reg. 6132. Please provide us with a statement of the Department of Justice's enforcement intentions with respect to the proposed wage and salary survey and report. The proposed survey and report would be produced jointly by NJHA and the New Jersey Society for Healthcare Human Resources Administrators ("NJSHHRA").

The wage and salary report would be published under the titles "Annual Wage and Salary Report" and "Wage and Salary Report Mid-Year Update". The data contained in the report would be gathered through the voluntary participation by New Jersey hospitals and health care institutions in surveys entitled "Annual Wage and Salary Survey" and "Wage and Salary Survey Mid-Year Update". All hospitals and health care institutions in the State would be given the opportunity to participate. The surveys will be distributed separately, and report results will be produced and distributed independent of each other.

The data presented in the report would be intended for the exclusive use and benefit of the participating hospitals. The report would identify regional and statewide averages of wages and salaries. The survey and report would provide a number of procompetitive benefits for hospitals and health care institutions. The procompetitive benefits would include enabling the hospitals to compete more effectively for employees and offer compensation that

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attracts highly qualified personnel. Hospitals could also use the information to avoid loss of staff. This information would assist the individual hospitals in projecting and balancing budgets. It would also allow hospitals to prepare better for changes in the industry and ultimately lower costs to health care consumers.

As stated above, the survey and report will be managed entirely by the NJHA and the NJSBHRA, two independent trade associations. The information provided in the report will be based on historical data that will be at least three (3) months old. Every hospital and health care institution in the State would be given the opportunity to participate, therefore the information contained in the report would be based on a large number of responses from participants throughout the State.

The report would not provide anticipated future wages and salaries. It would provide data in the aggregate and give averages and ranges of wages and salaries. Under no circumstances would the individual responses be disclosed. The participating hospitals will be instructed to refrain from discussing the results with other hospitals, and to keep the information confidential. The following pages provide a detailed description of the data to be collected and compiled from the survey, along with examples of the proposed survey forms and report.

Thank you for your attention to this matter. If I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,

  
Brian M. Foley

BMF/bml  
Enclosure

cc: James T. Holmes, Esq.