Understanding the changes to FLSA:
The Fair Labor Standards Act (FLSA) new overtime rule has changed the threshold for overtime eligibility from $23,660 per year to $47,500. This change impacts many staff at BU, including our researchers.

Boston University examined many approaches to implementing the new overtime rule. We examined individual positions and groups of employees affected by the new regulations, and will be making adjustments in one of three ways: raise pay to at or above the threshold, reclassify as salaried/overtime eligible, reclassify as non-exempt, hourly.

**Implementation**

- **Postdocs (full-time employee):** raise salary to $47,500
- **Postdocs (part-time employee):** eligible for overtime; re-categorize as Research Scientists
- **Postdocs (full-time non-employee funded by NIH):** raise salary to $47,500
- **Postdocs (full-time non-employee):** pending further review
- **Research Scientist/Associate/Engineer (full-time):** raise salary to $47,500
- **Research Scientist/Associate/Engineer (part-time):** non-exempt, hourly
- **Research Fellows and Visiting Fellows:** reclassify as salaried, overtime eligible

**Quick Stats**

- 581 employees in the academic research job family
- 189 earn < $47,476
- 129 postdocs affected

**7 months**

bridge funding provided for salaried exempt employees to cover the gap between an employee’s current salary level and the new FLSA threshold
FLSA-related FAQ for Principal Investigators

Where can I get more information about the Fair Labor Standards Act (FLSA)?
See https://www.dol.gov/whd/overtime/final2016/highered-guidance.pdf for information issued by the Department of Labor specific to higher education, including information about postdocs.

What are the differences between exempt, salaried/overtime eligible, and non-exempt/hourly?

- **Exempt employees** are paid monthly, are not eligible for overtime pay (regardless of hours worked), track only their vacation and sick leave in ESS/time-off request system and are eligible for BU’s exempt vacation and sick leave accrual.
- **Salaried/overtime-eligible employees** are paid a base salary on a weekly basis, are paid overtime (1.5 times regular rate of pay) for hours worked in excess of 40 per week, must update and release weekly actual hours worked in BU’s timekeeping system via ESS, and are eligible for BU’s exempt vacation and sick leave accrual.
- **Non-exempt employees** are paid weekly on an hourly basis, are paid overtime (1.5 times regular rate of pay) for hours worked in excess of 40 per week, must record actual hours worked daily in BU’s timekeeping system via ESS, and are eligible for BU’s non-exempt vacation and sick leave accrual in accordance with their scheduled hours and assignment duration.

What is the definition of hours worked? Does work time include the required 30 minute break for overtime eligible employees?

Any time spent on job duties is considered time worked, even if the time falls outside of regularly scheduled work hours or at a non-work location. This could include answering emails, reading research papers, writing or editing manuscripts or proposals, analyzing data, and/or performing experiments. Overtime eligible employees are also entitled to take a 30 minute break for every six hours worked. If an hourly employee works during their 30 minute break, this time must also be counted as time worked.

My researchers often work flexible work weeks. For example, they may work 45 hours in one week and 35 hours the next, but the total time over two weeks does not exceed 80 hours. Can we offer employees this flexibility to vary their weekly hours without incurring overtime pay?

**A:** All overtime-eligible employees can be scheduled for flexible work weeks, but we must pay them overtime for any hours they work above 40 hours in any given week. Even if an employee is scheduled to work 35 hours in any given week and works 40 instead, the employee will be paid at their equivalent hourly rate of pay until they reach 40 hours. There is no option in the state of Massachusetts for paying overtime after 80 hours in a bi-weekly pay period.

I am concerned my overtime-eligible and non-exempt research staff will work additional hours to receive overtime pay. What should I do to prevent this?

Salaried/overtime-eligible and non-exempt employees must be paid for all time worked, regardless of whether a PI has specifically authorized the time. It is important to be clear with your researchers that all overtime hours must be approved by you in advance.

Please note:

- Employees working through breaks, or on weekday mornings, evenings, and weekends during non-regularly scheduled hours must be paid for the time worked.
- Employees cannot “volunteer” to work without pay.
- If an employee consistently works overtime without preauthorization, this may be addressed as a performance issue.