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 NRSA): 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 Postdocs

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. Most postdocs will continue to fall into this category.
- **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. BU will not have postdocs in this category.
- **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. Some postdocs will transition to this category.

I am a part-time postdoc. Why is my title now Research Scientist?
The Policy for Postdoctoral Scholars at Boston University defines postdocs as “individuals who have fulfilled the requirements for a doctoral degree (or equivalent) and are engaged in a temporary and defined period of mentored advanced training to enhance the professional skills and/or research independence needed to pursue their chosen career paths.” Based on this definition, it is our expectation at Boston University that postdoc appointments are a full-time experience.

I am a non-employee postdoc. How do these changes affect me?
Non-employee postdocs paid by NIH NRSA grants (either training or individual fellowship awards) will automatically receive a stipend increase through a supplementation issued directly to their sponsored award. Boston University is currently reviewing all other non-employee postdoc positions to understand how we can meet both the stipend requirements established annually by the Vice President and Associate Provost for Research as well as the new FLSA overtime requirements. Please contact Professional Development & Postdoctoral Affairs with your questions.

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 postdocs (now categorized as Research Scientists) are also entitled to take a 30 minute break for every six hours worked. If you are overtime eligible and work during your scheduled 30 minute break, this time must also be counted as time worked.

Please note:
- Working through breaks, or on weekday mornings, evenings, and weekends during non-regularly scheduled hours counts as time worked and must be tracked.
- Your PI cannot ask you to “volunteer” to work without pay.
- If you consistently work overtime without preauthorization from your PI and/or proper timesheet recording, this may be addressed as a performance issue.