

**Fair Labor Standards Act Changes  
Effective December 1, 2016**

**Frequently Asked Questions**

**POSTDOCTORAL FELLOWS & ASSOCIATES**

**1. Are postdoctoral appointees exempt from overtime eligibility?**

All postdoctoral appointees will now be paid at or above the FLSA minimum and will continue to be exempt from overtime eligibility. Postdoctoral fellows, as non-employees of the university, are also exempt from overtime eligibility and should be paid according to the same compensation scale as postdoctoral associates.

**2. What is the new postdoctoral compensation scale?**

The following scale for postdoctoral appointees is effective December 1, 2016:

<b>Year</b>	<b>12/1/2016</b>
1st year postdoc	\$47,484
2nd year postdoc	\$47,844
3rd year postdoc	\$48,216
4th year postdoc	\$50,316
5th year postdoc	\$52,140
6th year postdoc	\$54,228

As is presently the case, non-NIH externally funded fellows need to be topped up to this level with non-federal funds.

The next postdoctoral compensation scale will be published in April 2017.

**3. Can postdocs be appointed at less than 100% FTE?**

In keeping with past practice, all postdoctoral appointees must be full-time. Rare exceptions are made only in cases in which the postdoctoral scholar requests a part-time position in order to accommodate dependent care needs or if required by a physician to work less than full-time. Any postdoctoral scholar earning less than the minimum will be considered hourly and eligible for overtime compensation.

**4. Can I reduce the FTE in order to accommodate the rate increase?**

No. All postdoctoral appointees are expected to be full-time.

**5. Does postdoctoral experience prior to coming to Yale need to be included when setting the salary?**

In keeping with past practice, faculty are encouraged to take prior postdoctoral experience into account when setting initial compensation levels. Likewise, they may take prior experience into account when adopting the new compensation scale that takes effect on December 1, 2016. There is a limit of 6 years as a postdoc from any institution.

**6. What are the options if a faculty member is unable to fund the required raise?**

Faculty are required to fund the increase. Incremental university funds will not be available to offset the costs of this required increase.

**7. What if there is not enough money left in the budget to comply with the final overtime rule?**

If the grantee determines rebudgeting would result in a change in objectives or scope, or that supplemental funding is needed to comply with the final overtime rule, the grantee should contact the cognizant Program Officer to discuss the issue as it relates to the award in question.

Additional information can be found here:

NSF Policy Office website at [http://www.nsf.gov/bfa/dias/policy/faqs/flsa\\_faqs.pdf](http://www.nsf.gov/bfa/dias/policy/faqs/flsa_faqs.pdf)

NIH website at <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-16-134.html>

## POSTGRADUATE FELLOWS AND ASSOCIATES

### **1. Are postgraduate trainees exempt from overtime eligibility?**

Postgraduate fellows, as non-employees of the university, are exempt from overtime-eligibility. As of December 1 all postgraduate associates will be eligible for overtime compensation and will be paid 1.5 times their regularly hourly rate of pay. Postgraduate associates must receive prior approval of the supervisor before working overtime hours.

### **2. What are the standard working hours for a postgraduate appointee?**

The standard workweek for a full-time postgraduate trainee is 40 hours worked anytime between the start of the work week on Sunday and the end of the work week on Saturday. The pay should be for actual work time. Because this is considered a training position, standard work hours include time for lunch and for attendance at educational and training activities such as departmental seminars, journal clubs, and retreats.

### **3. How is the hourly rate of pay calculated?**

The hourly rate for a postgraduate associate is calculated as the FTE annual salary divided by 2,080 hours.

### **4. How is overtime tracked?**

Postgraduate associates must track all hours worked beyond 40 hours in a given week. Overtime hours should be entered weekly onto *Form 3501 FR.05 – Temporary Employee Payment Request*. Although overtime is recorded weekly, it is paid on a monthly basis in a postgraduate's regular monthly paycheck through the student/casual system. The form can be found here: [http://policy.yale.edu/sites/default/files/3501\\_fr\\_05\\_-\\_temporary\\_employee\\_payment\\_request\\_0.xls](http://policy.yale.edu/sites/default/files/3501_fr_05_-_temporary_employee_payment_request_0.xls)

### **5. Can overtime compensation be paid from a research grant?**

The payment of overtime compensation from a federal sponsored award is generally allowable. For specific guidance, please review the terms and conditions of your award in consultation with your business office, the Office of Sponsored Projects, or your Program Officer.

Overtime hours should be entered weekly onto *Form 3501 FR.05 – Temporary Employee Payment Request*. If the compensation is earned after the payroll deadline, it will be paid on the following month's regular monthly paycheck.