

NYS Exempt Salary Threshold Communications: Letter Template for Use by Campuses

To: Principal Investigators and Supervisors

From: Appropriate campus HR contact

Date:

Subject: NYS Changes to Exempt Salary Threshold and Paid Time Off

The New York State (“NYS”) Department of Labor has issued changes to the exempt salary threshold requirements under NYS wage and hour law which are effective January 1, 2024. **Please review the following information carefully as we have determined this will affect you and your team.**

Employees in exempt positions receive a set salary, regardless of the number of hours they work in a week. Employees in non-exempt positions are paid for all hours worked and are entitled to overtime pay if they work more than 40 hours in a workweek.

The new regulations will affect some of the Research Foundation’s employees as well as our grant-funded projects. These changes:

- Increase the minimum weekly salary for exempt employees to \$[INSERT WEEKLY RATE] per week for the [INSERT REGION] work region. This includes employees in part-time positions because **the new regulations do not allow us to prorate the weekly minimum salary to a full time equivalent.**

The Department of Labor regulations contain stringent fines and other penalties associated with non-compliance. To comply with the new regulations, the RF must convert employees that no longer qualify as exempt to a nonexempt status. Below are some additional implications:

- These reclassified employees must be paid for actual hours worked and they will need to complete a bi-weekly timesheet to record their hours for payroll purposes. Hours worked over 40 in a workweek are paid at 1½ times the regular rate. For employees with a schedule of less than 40 hours, hours worked over the normally scheduled hours up to 40 are paid at the additional straight time rate.
- Nonexempt employees must take meal periods as it is required by law and record a meal period each day that they work more than six hours.
- Employees will now be reporting time worked by the hour to the nearest quarter hour. Leave will now be charged to the nearest quarter hour.
- Employees should not check for, read, send or respond to work-related emails outside their normal schedules unless specifically authorized based on job duties or direction by a supervisor. Hours worked outside normal schedules - whether authorized or not - must be recorded on timesheets and must generally be compensated. There is no “off the clock” work. Please contact Human Resources if you have employees working unauthorized hours.

Graduate students as well as employees in a select few other titles such as teachers and educators are not subject to the salary minimum and will not be impacted by this change in the regulations. However, as there are other employees throughout the RF, including at your campus, who are impacted, we have been working diligently to ensure RF’s compliance with these regulations while minimizing the impact to your employees, grant-funded projects and campus.

In order to minimize the impact to employees, paid time off plans are based on position title versus exempt and nonexempt classification. This means affected employees who must be reclassified to nonexempt due to the salary level but are continuing to perform the same job duties with the same title will have the same paid time off plans that they currently have.

Employees will be notified individually of these changes and campuses will be meeting soon with supervisors and employees to discuss the specifics affecting them.

Please contact **XX XXX** in HR at **XXX-XXXX** if you have any questions or concerns.