

## NYS Salary Minimum: Letter Template for Use by Campuses

TO: Employee

From: RF Human Resources

Date:

Subject: Position Classification

### Please review the following information as we have determined this will affect you.

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. This change is separate from the federal Fair Labor Standards Act minimum salary. Under the NYS regulations, the minimum salary positions must earn to be classified as exempt has increased to \$[INSERT WEEKLY MINIMUM FOR REGION] per week in the [REGION] region. This includes part-time positions with job responsibilities that qualify as exempt because **the regulations do not allow employers to prorate the weekly minimum salary to a full time equivalent.** Positions which do not earn this minimum will be considered non-exempt for overtime and meal period purposes.

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.

We have determined that **your position must be reclassified to a non-exempt position.** Your payroll/position title will remain the same. However, this reclassification will require that you do the following effective January 1, 2024:

1. You will start completing a non-exempt biweekly time report; instructions are outlined in the [Non-exempt E-Time Reporting Guide](#).
2. You will begin reporting time worked by the hour with actual start and stop times.
3. You must complete an exception report for the period of 12/1/2023 – 12/31/2023 and then complete a bi-weekly time report beginning with the period 1/1/2024 – 1/12/24.
4. You will maintain your leave accrual balance and your accrual plans will not change. (The accrual chart for your position is attached). However, you will earn accruals in hourly increments, and begin charging accruals by the hour to the nearest quarter hour effective 1/1/24.
5. When you work over 40 hours in a workweek, you will be eligible for overtime pay (1 ½ times your regular hourly rate). Please discuss with your supervisor if prior approval is needed to work overtime hours. Any time worked over your normally scheduled hours up to 40 is paid at your regular hourly rate. Also if you are part time and work more than your standard hours, those hours will also be paid at your regular rate.
6. You are required to take and record a meal period each day that you work over six hours.

Attached is a copy of the NYS Notice and Acknowledgement of Pay Rate and Payday noting the change in classification to non-exempt. Your department/program has also been informed of this change. If you have any questions, please contact [CONTACT NAME] at [CONTACT PHONE NUMBER]. An HR representative will be happy to meet with you one on one if you so desire.

Attachments: NYS Notice and Acknowledgement of Pay Rate and Payday  
Leave Accrual Chart