

To Whom it May Concern:

We, the undersigned, are all professors at colleges and universities across the United States. We strongly support the Department of Labor's new rules governing overtime under the Fair Labor Standards Act. Though many institutions of higher education have publicly opposed these new regulations and projected significant extra costs, we suspect there are many others who are quietly supporting them. That is because the updated overtime rule will ensure that millions of American workers receive a fair day's pay for a hard day's work, restoring access to protections lost as the value of the overtime salary threshold eroded over decades and employers sought to exploit loopholes allowing them to deny overtime pay to their employees.

In terms of the impact on institutions of higher education, it's important to begin with the fact that the majority of workers in this sector are exempt from the rules because they don't apply to anyone whose duties include a significant amount of teaching. So professors, instructors, coaches, counselors, and most student assistants, including those who are RA's in residence halls are all exempt. Whereas higher education hourly workers in offices, cleaning and food service are already covered and the regulations don't alter that fact. Relative to the small proportion of workers who are covered, we believe the benefits throughout the American workforce far exceed the small portion of new costs to higher education. After all, when workers receive deserved overtime pay the dollars flow into local economies across the nation, as well as making it possible for more workers and their children to attend college.

While people are right to be concerned about the ever-increasing costs of higher education, we must be clear about the key drivers of this trend. First and foremost, there is sharply decreasing governmental support for universities, with state support per student steadily cut for decades to cover other costs or shortfalls, or declining federal support for research in the non-defense and non-medical areas. Second, the amount and percentage of personnel costs going to administration, which many find excessive both in terms of the numbers of administrators and their salary levels, has increased significantly over the past few decades. Finally, there is the ever-rising cost of facilities -- updated information technology and libraries, "smart" classrooms, remodeled dorms and the very latest workout facilities -- all of which are expected by many of today's students when they choose a university.

We don't believe that these financial pressures should be resolved on the backs of lower wage workers, expecting one to do the job of two for no extra compensation. Public institutions can mitigate the costs of overtime for these workers by offering compensatory time off instead. Private institutions can use flextime (comparable time off within the pay period) when there is a real need for work to go beyond eight hours in a day. Under the new rules, these workers will likely see a reduction of their expected overtime, more comp and flextime options, and actually being paid for overtime when it is really needed. This should have minimal effect on overall University budgets, particularly because of comp and flex time, but a significant effect on the lives of the workers.

The effect of the new rule on ‘post-docs’ has also exposed a shocking reality: many students earn a doctorate in a scientific field and yet regularly work sixty plus hours a week for less than the new \$47,476 threshold – far below median pay in the United States. What message does this send to prospective graduate students about pursuing more education? What does it say about the value our nation places on scientific research, including life-saving medical breakthroughs? Raising the pay of these highly trained researchers pay above the threshold is something we believe the granting bodies, primarily the National Institutes of Health (NIH) and the National Science Foundation (NSF) must support. Indeed, as part of the implementation of the new overtime rules, DOL is working closely with the both institutions to ensure a smooth implementation of the new rules vis a vis post-doctoral employees. For example, NIH will raise its stipends for post-docs to bring them above the new salary threshold.

The fact is that colleges and universities have many exemptions as well as many ways to meet the new standards. And these same colleges are full of smart people who regularly opine on solutions to a host of problems in the rest of the world. Broad support for sustainability among students has led many campuses to adopt pledges of sustainable behavior – and those extend to the economic and social as well as the environmental. The new emphasis on ethics in business schools should be a signal that the public expects higher education to practice what it preaches.

We, the undersigned, remind those in higher education who speak against overtime reform that we are not just teaching facts and theories. Our behavior sets an example to students of the proper way for employers to treat their workers. Colleges and universities are supposed to represent the best ideals and virtues of our communities. Rather than fighting the new overtime regulations in the small number of cases where they apply in higher education, we should be leading by example and enthusiastically working toward compliance. We are confident that many campuses will do exactly that.

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