

September 20, 2023

## PRESIDENTS' NETWORK



Dear Colleague:

I am writing to ask for your help in assessing how the Biden Administration's [proposed rule](#) on overtime pay will impact your institution.

NAICU has developed a brief [survey](#) that will help us with this assessment and provide important context for our national advocacy here in Washington. The deadline to complete the survey is **October 4**. Please have only one survey response per institution. Your responses will be kept confidential. NAICU will only use the survey data in the aggregate.

Due to the diversity of our institutions, this proposal will not have a uniform impact on campuses. However, we know from input from our membership that, if implemented as proposed, this rule will have a profound negative impact on many private, nonprofit colleges and universities and will be extraordinarily difficult for many colleges to implement.

This is why your response to our [survey](#) is so important for us to fully understand the effects your campus will feel if this rule is implemented. We also know you may not have exact numbers, but an estimate will help us greatly.

### Background

- There are several key facets to the proposal that will impact a significant amount of NAICU members, including the increase in the threshold for employees to be considered exempt from overtime pay from \$35,568 to \$55,068.
- The proposed threshold would also include automatic adjustments every three years with a formula that looks only at salaried workers over the threshold, based on the 35<sup>th</sup> percentile of salaried workers in the south.
- This could mean significant increases every three years.
- The formula will also likely cause the final rule to be closer to \$60,000 than the proposed \$55,068.

I also encourage you to submit comments to the Department of Labor. The proposal is subject to a 60-day comment period that will end on November 7, 2023. Instructions to submit comments can be found in the [DOL proposal](#). Please also share a copy of your comments with Karin Johns, NAICU's Director of Tax Policy, at [Karin@naicu.edu](mailto:Karin@naicu.edu).

Thank you for taking the time to complete this survey. I appreciate your partnership on these critical issues and how they might impact your campus.

Regards,

Barbara

**Barbara K. Mistick, D.M.**

President

National Association of Independent Colleges and Universities