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Wage and Hour Division
U.S. Department of Labor
Room S-3502, 200 Constitution Ave. NW
Washington D.C. 20210

RE: Proposed Ruling by the Department of Labor on Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees

The American Society for Biochemistry and Molecular Biology is an international nonprofit scientific and educational organization that represents more than 10,000 students, researchers, educators and industry professionals. ASBMB membership includes students, researchers and scientists from all career stages. It's through this lens of representing the next generation of scientists that the ASBMB submits the following recommendations in response to the notice of proposed rulemaking from the Department of Labor on potential changes to the Fair Labor Standards Act (FLSA).

Postdoctoral researchers fall under the criteria outlined in the FLSA. [Successful postdocs](#) help plan and carry out institutions' research programs, build alliances and intellectual bridges to other institutions and increase the inflow of grant support. Postdocs are vital to the continued success and growth of the U.S. research enterprise; they are fundamental in carrying out scientific research. The ASBMB advocates for the next generation of scientists and encourages institutions to support postdocs to the fullest extent, including ensuring postdocs have a sufficient quality of life.

Recommendation 1: The ASBMB supports the Department of Labor's proposal to increase the level of eligibility for exempt employees to \$55,068 with an implementation plan of two to three years

The ASBMB applauds the Department of Labor's effort to increase the minimum salary level for exempt employees, which applies to postdoctoral researchers across the country. The proposed rule is necessary to ensure the sustainability of the biomedical research enterprise and to ensure a better quality of life for the next generation of researchers. Postdocs are in mentored positions, under more senior researchers, to gain specialized research experience before embarking on their independent careers. The FLSA is vital to protect positions, such as postdocs, who work more than 40 hours per week from being paid unfairly.

The proposed rule would provide significant financial relief to the thousands of postdocs who currently earn less than the recommended minimum of \$55,068. However, the ASBMB strongly recommends an implementation plan to allow research labs, universities and federal agencies time to accommodate the increase in salary for postdocs. Considering the stagnant scientific research budgets, an abrupt change in salary requirements for postdocs could have a negative impact on the scientific workforce pipeline and add further burden already stressed scientific research budgets.

The ASBMB recommends federal agencies have a two- to three-year implementation plan and strongly recommends federal agencies provide significant guidance to the scientific community on how to increase salary levels in a sustainable manner.

Recommendation 2: The ASBMB recommends the Department of Labor ensure this ruling does not result in any reductions in benefits or other employment contributions

The proposed rule allows employers to determine whether employees remain salaried or considered for hourly rate, which could affect postdoc benefits including health coverage and paid vacation/sick leave. The ASBMB recommends the Department of Labor modify the proposed rule to increase protection of health coverage and paid vacation/sick leave to ensure a higher quality of life for postdocs.