

FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION

December 9, 2010

REGULATION TITLE:

Employee Debt Collection

REGULATION NO.:

FGCU-PR5.003

SUMMARY:

Employee Debt Collection is being modified to clarify the University's authority to deduct employee debt owed to the University from any source of employee income.

FULL TEXT:

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

LAW IMPLEMENTED:

§§1001.74, 1010.03, F.S.

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Steven Belcher, Director of Human Resources

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

Dr. Joseph Shepard, Vice President of Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

Diane St. John, Administrative Assistant, dstjohn@fgcu.edu; (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE DECEMBER 23, 2009 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: DECEMBER 9, 2009.



REGULATION: FGCU-PR5.003

*Effective Date of
Regulation:*

Employee Debt Collection

January 20, 2009

(1) The University will exert every effort to collect delinquent accounts—other than educational loans collectable pursuant to Section 112.175, F.S. owed to the University by its employees.

(2) The University has responsibility for collection of the following kinds of employee debts: accounts receivable; registration fees; returned checks; traffic and parking fines; library fines; educational resources fines/sales; graduation fees; health services; rental fees; housing; physical education equipment; travel advance reimbursements; overpayments to employees, and other miscellaneous charges.

(3) Salary Overpayments.

(a) If the overpayment occurred in one payment, the university will collect the repayment via payroll deduction in one payment, when possible. If full repayment in one payment is not possible, a repayment schedule can be established and followed. If the overpayment cannot be completely repaid in the same calendar year in which the overpayment occurred, the amount of the repayment owed will likely increase if the original overpayment included income tax withholding. Income tax is not credited for salary overpayments that are repaid in subsequent tax years.

~~(b) In the event that an employee debtor is terminated or voluntarily leaves the University's employ, the entire amount of the debt shall be deducted from any payments due the employee to include but not be limited to final pay, accrued leave payments, and expense reimbursements, where possible.~~

(e b) If there are insufficient funds to deduct the total amount or if other repayment arrangements have not been made, the uncollected overpayment will be referred to the University Bursar Office for collection.

(4) Accounts Receivable Other than Salary Overpayments or Returned Checks.

(a) Collection Procedures. Amounts due from an employee shall be placed in the University's Accounts Receivable billing system after routine attempts by the department to obtain payment of any accounts receivable are unsuccessful. If the University does not receive payment within a reasonable period of time from the date of the first billing or suitable payment arrangements have not been made, the employee shall be notified that set-off procedures may be implemented with respect to his/her

debt. An employee who accepts or continues employment after the adoption of this regulation will be deemed to have agreed to the procedures set forth in this regulation.

(b) **Set-Off Procedures.** The employee shall be notified by certified letter to the most current W-4 address on file with Human Resources or via electronic mail to the assigned university e-mail account, return receipt requested, that he/she has thirty (30) calendar days from receipt of the notice to either pay all sums due, make satisfactory payment arrangements, submit documentary evidence disputing his/her debt, or request administrative review of the decision to set-off his/her debt through a deduction of funds from the employee's paycheck. The notice shall further advise the employee that the set-off of wages shall commence without further notice following the expiration of the thirty (30) day notice period unless the employee has taken appropriate action and shall include the amount and duration of the deductions which shall be made from his/her paycheck.

(c) **Calculation of Payroll Deduction.**

1. In the event that the total amount of the debt is less than ten percent (10%) of the employee's biweekly gross salary, the full amount of the employee's debt shall be deducted in the first or second pay period following the expiration of the ten (10) day notice period given to the employee.

2. If the amount of the debt is greater than ten percent (10%) of the employee's biweekly gross salary, the amount deducted each pay period shall not exceed ten percent (10%) of the employee's gross salary.

3. **Accounts Receivable - Returned Checks.**

(a) **Collection Procedures, Set-Off Procedures.** When a check written by an employee to the University is returned uncollected, the employee shall be notified of the returned check, and the employee shall be required to make full payment of the check and return check charge within seven (7) calendar days from receipt of the notification. The notice shall further advise the employee that if the check is not redeemed within the seven (7) day period, the check and return check charge amount shall be forwarded to the Payroll Office for payroll deduction without further notice.

(b) **Calculation of Payroll Deduction.** The full amount of the returned check and return check charge shall be deducted in the first or second pay period following referral of the account to the Payroll Office.

(5) In the event an employee-debtor is terminated or voluntarily leaves the University's employ, the entire amount of the debt shall be deducted from any payments due to the employee to include, but not be limited to, final pay, accrued leave payments, and expense reimbursements, where possible.

Action by Florida Gulf Coast University Board of Trustees:

Approved: ~~1/20/09~~ _____

Law Implemented:

§§ 1001.74, 1010.03, F.S.

History of Rule:

New 04/17/97; Amended 1/20/09

History of Regulation:

New 1/15/08; Amended 10/21/08, 1/20/09, _____

Effective Date of Regulation:

~~1/20/09~~ _____