

**NOTICE OF REGULATORY ACTION**

May 16, 2008

**REGULATION TITLE:**

Employee Debt Collection

**REGULATION NO.:**

FGCU-PR5.003

**SUMMARY:**

Approve the regulation, Descriptions, Definitions and Abbreviations.

**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:**

Section 1010.03, Florida Statutes

**UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:**

Director, Human Resources

**UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:**

Vice President of Administrative Services and Finance

**PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:**

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**ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE JUNE 2, 2008 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: MAY 16, 2008**

(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; ~~disallowed revolving fund reimbursements~~; overpayments to employees, and other miscellaneous charges.

(3) Accounts Receivable Other than 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 three (3) months of the date of the first billing or suitable payment arrangements have not been made, the employee shall be notified that set-off procedures shall be implemented with respect to his/her debt. An employee who accepts or continues employment after the

adoption of this ~~rule~~regulation will be deemed to have agreed to the procedures set forth in this ~~rule~~regulation.

(b) Set-Off Procedures. The employee shall be notified by certified letter, return receipt requested, that he/she has ten (10) calendar days from receipt of the letter 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 ten (10) 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 ~~salary warrant~~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. 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 the employee's final paycheck.

4. 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 by certified letter, return receipt requested, of the returned check, and the employee shall be required to make full payment of the check and return check charge within ten (10) calendar days from receipt of the letter. The notice shall further advise the employee that if the check is not redeemed within the ten (10) 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.

~~Specific Authority 240.227(1) FS. Law Implemented 240.291 FS.~~

~~History -- New 4-17-97.~~

Action by Florida Gulf Coast University Board of Trustees:

Approved: 06/17/08

Law Implemented:

1010.03, Florida Statutes

History of Rule:

New 04/17/97

History of Regulation:

New 06/17/08

Effective Date of Regulation:

06/17/08