



FGCU REGULATION 5.003

*Effective Date
of Regulation*

Employee Debt Collection

September 8, 2022

A. GENERAL STATEMENT

The University will exert every effort to collect delinquent accounts or other debts, as well as overpayments other than educational loans collectable pursuant to section 112.175, Florida Statutes, owed by one of its employees.

The University, through the Office of the Controller, 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 whether such overpayments accrue during or after employment by the University; and other miscellaneous charges.

B. COLLECTION PROCEDURES

1. Salary Overpayments

- a. If the overpayment occurred in one (1) payment, the University will collect the repayment via payroll deduction in one (1) payment, when possible. If full repayment in one (1) 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. 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 Office of the Bursar for collection.
- c. Salary overpayments that occur after an employee's departure from employment with the University will be returned by the employee to the University consistent with this Regulation.

2. 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 sixty (60) days 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 or her debt. An employee who accepts or continues employment after the adoption of this Regulation and any amendment approved thereafter, 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 or 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 or her debt, or request administrative review of the decision to set-off his or 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 or her paycheck.

3. Calculation of Payroll Deduction

- a. 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 may be deducted in the first or second pay period following the expiration of the ten (10) day notice period given to the employee.
- b. 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.

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 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 Payroll 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 Payroll.

5. Debt Collection

In the event an employee is terminated or voluntarily leaves the University's employ, the employee may remain responsible for all outstanding debts and overpayments to the University. The entire amount of the debt may 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. If there remains an outstanding debt to the University after all deductions are made from amounts due the employee, then the University may pursue collection of the outstanding debt through its debt collection procedures which may include referral to a private debt collection agency.

Authority

Section 1001.706, Florida Statutes

Section 1010.03, Florida Statutes

BOG Regulation 1.001, University Board of Trustees Powers and Duties

History of Regulation

New 01/15/08; Amended 10/21/08; Amended 01/20/09; Amended 01/10/10; Amended 06/11/19; Amended 09/08/22

*Approved by Florida Gulf Coast University Board of Trustees
September 8, 2022*