

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 14, 2011

REGULATION TITLE:
Employee Debt Collection

REGULATION NO.:
3.0421

SUMMARY: The amendment includes repayment of parental leave as employee debt covered by this regulation, which the University may offset.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Rebecca J. Holt, Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Paula Fussell, Vice President for Human Resource Services

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

6C1-3.0421 Employee Debt Collection.

(1) Purpose. The University is authorized to collect all delinquent accounts owed to it and overpayments made by it. The purpose of this regulation is to provide procedures for collection of delinquent accounts and overpayments owed to the University by its current or former employees. These collection procedures do not apply to the collection of delinquent accounts of a student while the student is enrolled at the University but will apply if the student thereafter becomes an employee of the University.

(2) For purposes of this regulation, employee debts are all amounts owed to the University by an employee which were not paid when due, including, but not limited to, the following:

(a) tuition and fees, student loans, and other accounts accrued as a student of the University; ~~and~~

(b) returned checks, traffic and parking fines, library fines, educational resources fines/sales, health services, rental fees, housing charges, and physical education equipment charges; ~~and~~

(c) overpayments by the University of wages, workers' compensation benefits, scholarships, fellowships, and other types of payments; ~~and~~

(d) amounts owed for clinical services provided by the University, such as medical, veterinary and dental services; ~~and~~

(e) all or a portion of a travel advance paid by the University and for which no reimbursement voucher complying with the University's travel policy is received within the time

prescribed by the University's travel policy (located in the University Controller's Office Directives and Procedures Manual); and-

(f) repayment of advanced parental leave pursuant to University of Florida Regulation 1.201(13).

For purposes of this regulation, employee debts do not include educational loans collectible pursuant to Section 112.175, Florida Statutes.

An overpayment by the University becomes an employee debt payable immediately upon the occurrence of the overpayment. A travel advance for which no reimbursement voucher is received by the University becomes an employee debt at the time prescribed by the University's travel policy. All other employee debts become delinquent accounts when they remain unpaid after the date due.

(3) Means of Collection. The University may employ any legal means for collecting employee debts owed to the University, including, but not limited to, any one or more of the following means: issue collection letters, send notices via electronic mail, attempt to contact the employee by telephone, engage a collection agency, settle the amount due, negotiate a payment plan, and if a current employee, set-off the employee debt as provided herein.

(4) University Right of Set-Off / Employee Right to Receive Notice Prior to Set-Off.

(a) The University may set-off an employee debt against future wages and against termination pay.

(b) Unless expressly authorized by a Travel Advance form or other agreement with the University, an employee with employee debt will receive notice of the University's set-off rights against the employee's future wages and termination pay. Prior to exercising the right to set-off, the University will notify the employee in writing by certified mail at the employee's University mailing address of its intent to do so. The notice will advise the employee that the University intends to set-off the specific employee debt against future wages, and that, within twenty (20) days of the date of

the notice, the employee may dispute the existence of the employee debt with the University department to which the employee debt accrued, pay the employee debt, or work out a mutually agreeable payment plan.

(5) Set-off Limitations. If, after the twenty (20) day period described above has expired, the employee has not responded to the notice, the overdue employee debt remains unpaid, a mutually agreeable payment plan has not been reached or the explanation as to why no delinquent account or overpayment exists has not been accepted by the University, the University may set-off the employee debt against payments by the University of future wages and termination pay as follows:

(a) If the amount of the employee debt is ten percent (10%) or less of the employee's biweekly gross salary, a lump sum deduction of the amount owed shall be made from a future paycheck.

(b) If the amount of the employee 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 in each pay period. Deductions will commence following the expiration of the twenty (20) day notice period.

(c) If an employee with an employee debt is terminated, abandons employment, voluntarily leaves the University's employ or dies while in University employment, the entire amount of the employee debt shall be deducted from the employee's final paycheck and, if the final paycheck is not sufficient to cover the employee debt, from the payment of leave at termination (~~vacation and sick~~) pay.

~~Specific Authority:~~ BOG Regulation 1.001 ~~Resolution dated January 7, 2003.~~

History--New 12-27-90, Amended 5-18-92, 6-28-98, 9-1-99, 6-3-03, 3-17-09, Formerly 6C1-3.0421, Amended _____.

