

**THE UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED REGULATION**

REGULATION TITLE:

UWF/REG - 5.019 *Employee Debt Collection*

SUMMARY: Section 1010.03, Florida Statutes, requires universities to exert every effort to collect all delinquent accounts and permits the university Boards of Trustees to adopt regulations in furtherance of those efforts. The statute permits implementing measures including setoff procedures, payroll deductions, restrictions on release of transcripts and the awarding of diplomas and restrict access to other resources and services of the university.

AUTHORITY: Section 1010.03 Florida Statutes, Board of Governors Regulation 1.001.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION

AMENDMENT: Susan Stephenson, Vice President of Business Finance and Facilities

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION

IS: Anita Schonberger, Associate General Counsel at aschonberger@uwf.edu, 474-3420 (tel), 850-857-6058 (fax), or 11000 University Parkway, Pensacola, Florida 32514. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before **April 5, 2014**.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES

WEBSITE IS: March 20, 2014. **THE DATE THIS NOTICE WAS PUBLISHED IN**

“@UWF”: March 20, 2014.

THE FULL TEXT OF THE PROPOSED REGULATION AMENDMENT IS SET FORTH BELOW:

University of West Florida Regulation
UWF/REG -5.019 Employee *Debt Collection*

(1) **Application.** Pursuant to section 1010.03, F.S. the University is required to exert every effort to collect all delinquent accounts owed to it. The purpose of this regulation is to provide procedures for the collection of delinquent accounts owed to the University by its current or former employees, including student employees. The term “employee” as used in this regulation also means “former employee,” where applicable. These collection procedures do not apply to the collection of delinquent student accounts except as to any wages earned as an employee or student employee. If a student simultaneously or thereafter, becomes an employee of the University these collection procedures will apply. These procedures do not apply to educational loans guaranteed by the state or any of its political subdivisions that are collectible pursuant to section 112.175, F.S.

(2) **Definition of Delinquent Account.**

For purposes of this regulation, delinquent accounts are all amounts owed to the University which were not paid when due, including, but not limited to, the following, for

- (a) Tuition and fees
- (b) Student loans awarded by the University, and other accounts accrued as a student of the University.
- (c) Returned checks, traffic and parking fines, library fines, fines for resources/equipment not returned or damaged, keys, uniforms, educational resources, reasonable value of university property or equipment entrusted to an employee/former employee not returned or otherwise unaccounted for, health services, rental fees, housing charges, and physical education equipment charges
- (d) Overpayments by the University of wages, workers’ compensation benefits, scholarships, fellowships, stipends and other types of payments
- (e) All or a portion of a travel advance paid by the University for which no reimbursement travel voucher is received within the time prescribed by the University’s Travel Manual.
- (f) Repayment due for unauthorized charges on the employee’s P-Card
- (g) Amounts owed for University monies taken or used by the employee without appropriate authorization, or
- (h) Repayment of advanced leave, if any, pursuant to applicable University policies and procedures.

(3) **Timing of Delinquency**

- (a) Debt. A debt is a specific sum of money owed by an employee or former employee to the University. A debt may be a single obligation or an aggregate of separate debts. All employee debts become delinquent accounts when they remain unpaid after the date due.
- (b) Overpayment. An overpayment by the University becomes an employee debt payable immediately upon the occurrence of the overpayment.
- (c) Unauthorized Transactions. Repayment for unauthorized charges on a University P-card becomes due and payable at the moment the charges are made. Repayment for monies taken or used without appropriate authorization becomes due and payable at the moment the monies are taken or used.

- (d) Travel Funds. All cash advances for travel purposes provided to an employee must be settled by the employee within the time frame prescribed by the University Travel Manual.
- (e) Leave Pay Out. Repayment of advanced leave is due by the end of the fiscal year in which the leave was taken, unless other arrangements have been made in writing. All employee leave accounts shall be adjusted prior to the employee receiving a pay out of accumulated leave.

(4) Means of Collection

The University Controller shall verify the amount of the indebtedness with the department head originating the charges and debt and establish the manner of its recovery. The University may use any legal means for collecting employee/former employee debts owed to the University, including, but not limited to, any one or more of the following actions:

- (a) issue collection letters,
- (b) send notices via electronic mail, make telephone contact,
- (c) engage a collection agency,
- (d) negotiate a payment plan,
- (e) seek a voluntary wage deduction from the employee. Each debt will be handled on an individual case basis. In the interest of fairness and equity, it is acknowledged that an individual who has incurred indebtedness may be unable to pay the total amount in a lump sum. If such is the circumstance and the individual agrees to equitable partial payments over a limited period of time, the Controller may prepare a promissory note and proposed schedule of payments for the employee's signature. Any deduction authorization shall be kept in the permanent payroll file of the employee.
- (f) If the employee refuses to voluntarily pay the indebtedness to the University, the Controller may initiate involuntary deductions from future salary payments due the employee, using the set-off procedures specified in this regulation until the total amount of indebtedness has been collected.

(5) Debt Due Notice.

The employee shall be notified by the University that he/she has a debt due, which shall state the amount due, and shall notify the employee that he or she has twenty (20) business days to either:

1. Clear the account by making payment in full,
2. Make payment arrangements as agreed to by the University Controller's Office in writing, or
3. File a Request for Review with Controller's Office seeking review of the debt and disputing the debt with documentary evidence.
 - i. If the employee has filed a timely Request for Review the Controller, or designee, shall review the facts of the case as are known to the University including any mitigating factors as may be presented by the employee in his/her Request for Review. The Controller or designee shall decide whether the debt and amount to be collected is appropriate. The employee shall receive notification of the decision by hand delivery or by certified mail to the employee's address on file at the Human Resources Department. If it is determined that the employee owes money to the

University, the University shall advise the employee that he/she shall receive a Notice of Set-Off.

(6) Set-Off

- (a) The University may set-off an employee's debt against future wages and/or any wages or leave pay out due at separation of employment in accordance this regulation.
- (b) Prior to exercising set-off, the University will notify the employee in writing by hand-delivery or certified mail sent to the employee's last known mailing address on file with the University's Human Resources Department. The notice will advise the employee that the University will set-off the specific employee debt, the date the set-Off will begin, and the amount to be set-Off.
- (c) The University may hold the employee's final pay check and/or leave payout sums or any other sums due and owing by the University to the employee, simultaneous with or after the Notice of Set-Off.

(7) Set-off Limitations

- (a) The set-off against future wages and/or any wages due at separation of employment may not reduce the employee's wages to below minimum wage unless a valid exception applies. A valid exception applies if the debt is based on
 - i. funds misappropriated by the employee,
 - ii. a free and clear advance or loan made by the University to the employee, or
 - iii. a payment made by the University to a third party creditor at the employee's request.
- (b) If the employee with debt has been notified that he or she will be separated from the University or if the employee ceases to be employed by the University for any reason, including but not limited to, termination, resignation, or job abandonment, the entire amount of the debt shall be deducted from the employee's final paycheck, except as provided in paragraph (7)(a). If the final paycheck is not sufficient to cover the outstanding debt, the remainder of the employee's debt shall be deducted from any of the following: the employee's leave payout, wages due at separation of employment, and/or from any other sums that may be due and owing from the University to the employee.
- (c) The University may collect any balance of the debt remaining after the deduction(s) described in this section by any lawful means.

History: New _____.