

YOUTH SERVICES POLICY

Title: Recoupment of Overpayments	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.36
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References: Louisiana Administrative Code Title IV, Part III, Chapter 7; OSUP Memorandums #2004-04, #2005-41, #2007-03, #2010-17, and #2020-08; La. R.S. 42:460; YS Policies A.2.2 "Pay Administration and Management" and A.6.1 "Housing Perquisites"	
STATUS: Approved	
Approved By: <i>E. Dustin Bickham, JD, Interim Deputy Secretary</i>	Date of Approval: 04/09/2020

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. APPLICABILITY:

This policy applies to all Youth Services (YS) employees. It is the responsibility of each Unit Head and the Undersecretary to ensure that all necessary procedures are in place to comply with the provisions of this policy.

III. PURPOSE:

To establish procedures for the recovery or collection of overpayments made to an employee, in accordance with the guidelines outlined by the Office of State Uniform Payroll (OSUP).

IV. POLICY:

It is the Deputy Secretary's policy to require the reimbursement and collection of any compensation erroneously issued to employees, such as wages, refunds of deductions, housing perquisites, or any other form of compensation erroneously paid. This policy represents the basic requirements outlined in the La. Administrative Code, Title IV Part III, Chapter 7, for guiding YS' compliance with La. R.S. 42:460.

V. DEFINITIONS:

Active Employee – Any employee currently working for the agency that overpaid the employee.

Agency – For purposes of this policy, any of Louisiana's state departments.

Deduction - Any voluntary or involuntary reduction in net pay (i.e., health insurance, United Way, taxes, etc.).

Direct Deposit Reversal - A formal request to a financial institution to return funds deposited into an account.

Express Consent - An employee's verbal or written response to the written notification, agreeing with the overpayment amount and agreeing with the agency recoupment plan.

Gaining Unit/Agency - The unit or agency to which an overpaid employee is transferring.

Human Capital Management System – (HCM) Non-Paid Agency – A state agency which uses a system that captures transactions involving state funds formerly performed by the Integrated Statewide Information Systems (ISIS) other than the HCM system.

Human Capital Management System – (HCM) Paid Agency – A state agency which processes payroll through a system that captures transactions involving state funds formerly performed by the Integrated Statewide Information Systems (ISIS).

Implied Consent - No response to the written notification. This implies that the employee agrees that he has been overpaid and agrees with the agency recoupment plan.

Losing Unit/Agency - The unit or agency from which the overpaid employee is terminating or transferring.

Net Pay - The amount of compensation due to an employee after withholding all voluntary and involuntary deductions from his wages and other compensation earned.

Office of State Uniform Payroll (OSUP) - The section within the Division of Administration primarily responsible for the statewide payroll system and administration of the rules governing state employee payroll deductions.

Overpayment - Unearned compensation paid to employees, including overpayment of wages, annual leave paid in error, as well as erroneous refunds of deductions.

Public Safety Services Human Resources (PSS/HR) – A unit within Public Safety Services that oversees the Human Resources actions of the agency.

Recoupment - Reimbursement of an overpayment made by an active or inactive employee.

Separated Employee - An employee who is no longer working for the agency which overpaid the employee.

Unit Head – For this policy, the Deputy Secretary, Facility Directors and Regional Managers.

YS Central Office - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Executive Management Advisor, Regional Directors, and their support staff.

VI. PROCEDURES:

The provisions of this policy apply to all types of overpayments to employees.

A. Condition of Employment:

1. Unit Heads are responsible for ensuring that notification of the recoupment policy occurs at the time a conditional offer of employment is made. A copy of the "Condition of Employment" form [Attachment A.2.36 (a)] must be signed and placed in the employee's personal file after employment is accepted.
2. Job offers shall be withheld from prospective employees refusing to sign these documents.

B. Detection of Overpayments and Internal Controls:

It shall be the responsibility of the Public Safety Services Human Resources (PSS/HR) staff to regularly audit payroll documents to identify overpayments and to establish internal controls to ensure that overpayments do not occur. It shall also be the responsibility of all YS employees to immediately report any form of overpayment to the PSS/HR staff where employed. Employees shall be required to reimburse YS for any overpayment regardless of the origin or cause of the overpayment.

C. Employee Notification Requirements:

Employees must be immediately notified in writing by the appropriate PSS/HR staff once the determination has been made that an

overpayment has occurred. Written notification must be provided prior to withholding the recoupment from a future payment(s). The notification to the employee must include the following:

1. Pay date(s) the overpayment occurred;
2. Amount of the overpayment;
3. Reason for overpayment;
4. Agency plan of action for recoupment;
5. Employee options for reimbursement of overpayment, as appropriate; and
6. Procedure by which the proposed recoupment can be disputed.

D. Recoupment from Active Employees:

1. The following repayment options are available for recoupment:
 - a. Direct deposit reversal as outlined in the OSUP policy for direct deposit reversals;
 - b. Onetime deduction from a subsequent paycheck;
 - c. Payment plan (Recurring deductions can be established for a payment plan not to exceed 26 pay periods. Employees needing an extension of the repayment plan for any time over the 26 pay period limit must apply for the extension to PSS/HR staff, who must obtain OSUP approval for extensions.); or
 - d. Personal payment from the employee in the form of a check or money order after approval by OSUP.

2. If an active employee who has been overpaid is separating, the balance of the amount owed shall be withheld from the employee's final paycheck, subject to D.3. below.
3. The amount recouped cannot bring the employee's biweekly gross hourly wage below the federal minimum wage without express written permission from the employee.

E. Recoupment from Employees Transferring to another Unit or State Agency:

1. If an employee transfers to another unit or agency outside of Youth Services and the recoupment process has not completed, YS must notify the gaining unit/agency of the outstanding balance it is owed. YS must provide any pertinent documentation to the gaining unit/agency.
 - a. If the employee is transferring to another HCM paid agency, the gaining unit/agency must continue the payment plan that was established by YS. The gaining agency must follow the guidelines established by the Division of Administration for transferring the funds back to YS.
 - b. If the employee is transferring to an HCM non-paid agency, YS must work with the gaining unit/agency to determine a reasonable solution to recoup the balance owed and the transfer of those funds back to YS.
2. If the gaining unit/agency establishes a payment plan for the recoupment of the balance owed, the amount recouped cannot bring the employee's biweekly gross hourly wage below the federal minimum wage without express written permission from the employee.

F. Recoupment from Separated Employees:

1. PSS/HR staff must notify separated employees of overpayments in the same manner described in Section VI.C. of this policy and such notice shall also contain a demand for repayment.
2. The following repayment options are available to the separated employee:
 - a. One-time personal payment from the former employee (i.e., personal check or money order); or
 - b. Payment plan.

- 1) Employee may submit multiple payments upon signing an agreement with PSS/HR.
 - 2) The period of the recoupment should not exceed 12 months.
3. If PSS/HR staff have difficulty recovering overpayments from a separated employee, the PSS/HR Director will refer the matter to YS Legal Services for a determination as to whether legal action is warranted. Factors to be considered are as follows:
- a. Total dollar value of the overpayment;
 - b. Period of time during which the overpayment occurred;
 - c. Period of time that has elapsed since the overpayment;
 - d. Cost of recoupment efforts; and
 - e. Likelihood of success of continued recoupment efforts.
4. If the separated employee returns to work for YS, the outstanding claim amount will be re-established in LaGov HCM, and will be deducted from the employee's next payment.

Previous Regulation/Policy Number: A.2.36

Previous Effective Date: 03/27/2019

Attachments/References: A.2.36 Attachment (a) Condition of Employment – Recoupment of Overpayment 0913.doc

Condition of Employment Recoupment of Overpayments

Youth Services Policy No. A.2.36 "Recoupment of Overpayments" requires that any employee who has been overpaid must reimburse Youth Services for the full amount of the overpayment. There are several options for reimbursement, including but not limited to, incremental payroll deduction. The policy also requires that employees who have been overpaid report the incident to Human Resources staff at their unit as soon as possible, usually the next business day.

By accepting employment with any unit within Youth Services, you acknowledge that any overpayments made to you shall be reimbursed and possibly recouped in future pay periods after you receive written notification from the Unit Head.

Employee's Signature

Date

Employee's Name (print)

Unit

Witness