

MEMORANDUM #013-12HR

DATE: February 15, 2012

TO: Agency Administrators

FROM: Bobbie Chappell, Director of Human Resources

VIA: Rip Colvin, Executive Director

RE: Salary Overpayments

A salary overpayment is when an employee receives compensation greater than the maximum authorized for payment in accordance with the provisions of applicable personnel rules and regulations. An example of a salary overpayment would be when an employee works less than the contracted hours for the month based on the employee's FTE (full-time equivalent) and does not have the leave balance accrued to appropriately offset their hours of leave used during the pay period.

As a reminder, all agencies are responsible for identifying and preventing salary overpayments. When a salary overpayment does occur, you must timely notify the employee and the Justice Administrative Commission (JAC) of the overpayment.

The notification to the employee must include an explanation of how the overpayment occurred, the employee's rights to a hearing under s. 120.57, F.S., and any repayment expectations held by the agencies. Below is an example of the required language in the notification to the employee:

On January 31, 2012, you received a salary warrant in which you were paid for 176 hours at a rate of \$10.00 per hour. However, on your January timesheet you only worked a total of 140 hours for the month. This means a salary overpayment in the amount of \$360.00 was made to you on January 31, 2012.

The full amount of your overpayment may be returned via money order or cashier's check. If full payment is not possible at this time, we can deduct the full amount of the overpayment as a miscellaneous deduction from your next salary warrant.

____ Money Order or cashier's check for full amount of the overpayment. Payment enclosed.

____ Miscellaneous deduction from next salary warrant for full amount of overpayment.

NOTICE OF RIGHTS

In accordance with ss. 120.569 and 120.57, F. S., you have a right to a hearing if you believe your substantial interests have been affected and you dispute your obligation to repay these funds. You must, however, file a petition for a hearing within 21 days of receipt of this notification letter. The petition must comply with the provisions of Rule 28-106.201 or Rule 28-10.6.301, Florida Administrative Code.

By checking one of the options above, you agree to waive your rights to a hearing under ch. 120 and all other applicable law. In the event that you either fail to return this form indicating your repayment method or to request a hearing within 21 days of your receipt of this notification, this agency will begin to off-set this overpayment from your salary through miscellaneous deductions and you will have been deemed to have waived your rights under ch. 120 and all other applicable law to contest this action.

EMPLOYEE SIGNATURE

DATE

Attachment

The notification to JAC must be submitted on a Personnel Action Request (PAR) form. The PAR should include the hours the employee was overpaid along with a copy of the notification to the employee of the overpayment. This will ensure the employee's payroll records are updated correctly, any funds due to the State of Florida are collected timely, and the employee file is properly documented.

If you have any questions on the salary overpayment process, please let me know.

Bobbie Chappell, Director of Human Resources
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