



PERSONNEL POLICY

SUBJECT: RECOUPMENT OF MONIES OWED BY EMPLOYEES

DATE: January 1, 2017

Number: 326-16

I. Statement of Policy

Fulton County is expected and authorized to lawfully recoup money owed to the County by current and former employees, Board of Commissioners' appointees, and elected officials. Occasionally, an employee, appointee, or elected official may be paid money in error or may be obligated to reimburse the County for certain expenditures. Because the County is funded by public dollars, it is imperative that employees, appointees, or elected officials and the County make every effort to avoid and correct payroll errors and to refund and recoup monies not otherwise due to the recipient. This policy is not intended to replace other legal remedies available to the County. Rather, this policy is intended to add to lawful mechanisms for the recoupment of money owed to the County.

II. Background and Applicability

This policy is applicable to all current and former employees, Board of Commissioners' appointees, and elected officials of the County.

III. Establishment and Implementation of Procedure

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".



PERSONNEL PROCEDURE

SUBJECT: RECOUPMENT OF MONIES OWED BY EMPLOYEES

DATE: May 1, 2023

Number: 326-16

I. When Recoupment is Warranted

The County is authorized to recoup monies from an employee in the following circumstances:

- A. When, on account of an error by the County, an employee is paid or receives any sum of money not due to the employee (including but not limited to unearned compensation and reimbursements and pre-paid travel/training expenses to which the employee is not entitled) provided that within twelve (12) months of the overpayment, the employee receives notice of the error and the County's intention to recoup the overpayment.
 - (1) A nominal overpayment of one hundred dollars (\$100.00) or less may be recouped at one time; and
 - (2) A significant overpayment of more than one hundred dollars (\$100.00) should be recouped via multiple payments if possible unless the overpayment is being recouped from a vacation leave payout upon an employee's separation from employment.
- B. When an employee fails to fulfill an obligation or commitment upon which receipt of a monetary bonus or other incentive payment has been conditioned.
- C. When an employee fails to meet an obligation under an agreement resulting in entitlement to reimbursement for training or educational costs incurred by the County.
- D. When the County, on account of an employee, incurs a non-refundable expense that is used or will be used for the employee's own personal use. (An example of such an expense would be when the County purchases non-refundable, non-transferable airfare and the employee does not take the flight or does not use the flight for the intended County business purpose.)

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E. When an employee separates from the County for any reason, by any means including but not limited to, dismissal, resignation, abandonment of position, and the employee fails to return any County-owned property and/or equipment issued to the employee at any time during the course of employment, including but not limited to identification cards, uniforms, laptop and laptop bag, cellular device and case, County-owned documents, equipment, etc.

(1) The amount recouped will be equal to the cost to replace the property and/or equipment as determined by the County as of the effective date of the employee's separation.

(2) The employee shall have up to five (5) business days from the effective date of separation to return any County-owned property or equipment to the County.

II. Deductions & Attorney's Fees

A. Authorized Deductions

Absent a voluntary reimbursement by the employee, the County is authorized to recoup monies from an employee using voluntary and/or involuntary deductions from pay. In addition, the County may elect to use any of the following methods in lieu of or in combination with pay deductions:

- Deductions from accrued compensatory, holiday and/or vacation leave.
- Deductions from compensatory, holiday and/or vacation leave payouts.
- Deductions from future reimbursement and/or expense payment requests.

Any deduction from compensation for hours worked may not be taken to the extent it reduces the employee's pay below the minimum wage rate of pay or overtime premium rate of pay or results in an exempt employee becoming non-exempt pursuant to the Fair Labor Standards Act ("FLSA").

If an employee separates from employment with a balance owed to the County, this policy does not foreclose other legal remedies available to the County for collection of said balance.

B. Attorney's Fees

When there have been unsuccessful attempts to recoup the monies owed from an employee and the County is required to employ the services of an attorney, the County is entitled to recover the amount of reasonable attorney's fees and costs incurred by the

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County as a result of its recoupment attempts from the employee as permitted by agreement and/or under applicable law.

III. Elected Officials and Board of Commissioner Appointees

When, on account of an error by the County, an elected official or an appointee of the Board of Commissioners is paid compensation over and above the amount required by law, the County should make an arrangement for the individual to either a) immediately return the overpayment or b) deduct the overpayment from future compensation so that the individual's total compensation does not exceed the amount required by law.

When the County, on account of an individual, incurs a non-refundable expense that is used or will be used for the individual's own personal use (e.g., when the County purchases non-refundable, non-transferable airfare and the individual does not take the flight or does not use the flight for the intended County business purpose) or receives a reimbursement or pre-payment for an ineligible expense or an expense that cannot be reconciled, the County may deduct the value of the expense from future reimbursements and/or pre-payments for future expenses.

IV. Availability of Other Remedies

Notwithstanding these procedures, Fulton County reserves the right to use all available legal remedies to recoup money owed to the County.

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