

# Augusta University

## Policy Library

### Withholding of Pay

**Policy Manager: Controller's Division**

#### **POLICY STATEMENT**

Each employee of Augusta University is responsible for and is expected to pay on a timely basis all of his or her debts owed to Augusta University, including fees, fines, penalties, and other financial obligations. If a non-exempt employee fails to do so, Augusta University may withhold pay from the employee's paycheck(s) in amount(s) totaling the debt that the employee owes to Augusta University. An exempt employee's pay may be withheld for disciplinary reasons related to safety violations of major significance, subject to the provisions of the Fair Labor Standards Act. (The suspension of an exempt employee without pay is covered under other university policies on progressive discipline)

#### **AFFECTED STAKEHOLDERS**

*Indicate all entities and persons within the Enterprise that are affected by this policy:*

- Alumni     Faculty     Graduate Students     Health Professional Students  
 Staff     Undergraduate Students     Vendors/Contractors     Visitors  
 Other: Student Employees

#### **DEFINITIONS**

- **Debt** shall mean any amount owed to Augusta University by an employee, including fees, fines, penalties, and other financial obligations that have arisen out of an employee's actions or inaction. Debts shall not include parking fines or fees or amounts owed for reimbursement of moving/relocation expenses, which are covered by separate university policies.
- **Employee** shall include all faculty members, administrative officers, classified personnel, and students employed by Augusta University, on a regular, regular-limited term, temporary, or temporary-occasional basis.
- **Department** shall mean the Augusta University department or administrative unit that either is responsible for assessing the fee, fine, or penalty at issue or has suffered a financial loss caused by an employee's action or inaction.
- **Notice** shall mean the written notification given by the Augusta University Department to an employee that shall set forth the nature of the debt, the amount owed to Augusta University, and the deadline by which payment must be made.
- **Safety** rules of major significance shall mean those rules related to the prevention of serious danger in the workplace or to other employees.

#### **PROCESS & PROCEDURES**

##### **Notification of Employee**

The Department that is responsible for assessing the fee, fine, or penalty at issue or that has suffered a financial loss caused by an employee's action or inaction shall notify the employee in writing, which

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includes email, of the nature of the debt, the amount owed to Augusta University, and the deadline by which payment must be made (no sooner than sixteen (16) business days from the date of the initial Notice). The Notice shall inform the employee that if the debt is not paid by the stated date, payment will be deducted from the employee's paycheck(s). The Notice shall also inform the employee that he or she may contest such debt by submitting a written statement challenging the validity of the debt to the Department head within five (5) business days from the date of the Notice.

### **Employee Challenge and Department Head Review**

If the employee chooses to submit a written statement challenging the validity of the debt, he or she should include all documentation that the employee believes supports his or her challenge. The employee may, if he or she so chooses, request in his or her written statement to meet with the Department head. As soon as practical, the Department head shall determine the debt's validity and inform the employee in writing of his or her decision. If requested by the employee in his or her written statement, the Department head may elect to meet with the employee before rendering his or her decision. If the Department head determines that the debt is not valid, he or she shall notify the employee that the Notice of debt is withdrawn. If the Department head determines that the debt is valid, he or she shall so notify the employee and inform the employee of the new due date for payment (no sooner than sixteen (16) business days from the date of the Department head's determination), that payment will be deducted from the employee's pay if the debt is not paid by the stated date, and that the employee may appeal the Department head's decision by submitting a written appeal to the member of the President's Cabinet who has primary supervisory responsibility for the Augusta University Department within five (5) business days from the date of the Department head's determination.

### **Employee Appeal and Cabinet Member Review**

If the employee timely appeals the Department head's determination that the debt is valid, the Cabinet member shall rule on the employee's appeal and inform the employee of his or her decision as soon as practical. The Cabinet member's decision is final. If the Cabinet member upholds the Department head's determination, the Cabinet member shall inform the employee of the final due date for payment and that the debt will be deducted from the employee's pay if the debt is not paid by the final date.

### **Withholding of Pay**

If the employee has not paid the amount of the debt by the final due date, the Department head shall submit to the Office of the Controller written directions to withhold the amount of the debt from the employee's pay and shall provide a copy of such directions to the employee. The Office of the Controller will withhold such an amount from the employee's paycheck as appropriate, provided that such withholding does not result in the employee earning an amount below what would be required to be paid by applicable minimum wage and overtime laws. In addition, withholding for the amount of the debt will occur only after legally ordered deductions (such as ordered child support, garnishment orders, etc.) have been taken out of the employee's paycheck. If the employee leaves Augusta University employment before the debt has been fully paid, the Office of the Controller shall withhold, consistent with this policy, the remaining amount of the debt from the employee's final paycheck, which includes any annual leave payout. If the employee leaves Augusta University employment while their appeal is in a pending status under this policy, the Department head shall notify the Office of Controller of the disputed sum so that the Office of

Controller may withhold the disputed amount until such time as a final determination is made. The Department head and cabinet member shall expedite their review of the appeal so that final determination can be forwarded to the Office of Controller no later than 21 business days after the employee's last date of employment. After there has been a final determination of the debt's validity, the Office of the Controller will either retain or return to the employee all or part of the amount withheld, as warranted.

### **Exceptions**

The withholding of pay for certain debts owed by an employee to Augusta University will be handled in accordance with existing Augusta University policies that specifically address those debts. For example, amounts owed by an employee for relocation and moving expenses because of the employee's failure to remain at Augusta University will be handled in accordance with Augusta University Administrative Policy "Relocation and Moving Expenses for New Employees."

### **REFERENCES & SUPPORTING DOCUMENTS**

Policy Manual of the Board of Regents, Section 8.2.13 "Garnishment of Pay":

<https://www.usg.edu/policymanual/section8/>

### **RELATED POLICIES**

Human Resources Administrative Practice Manual of the Board of Regents, Classification, Compensation, and Payroll "Policy on Withholding of Pay":

[https://www.usg.edu/hr/manual/withholding\\_of\\_pay](https://www.usg.edu/hr/manual/withholding_of_pay)

Augusta University Administrative Policy "Relocation and Moving Expenses for New Employees": [Relocation & Moving Expenses for New Employees Policy](#)

### **APPROVED BY:**

Executive Vice President for Academic Affairs and Provost, Augusta University

Date: 10/11/2021

President, Augusta University

Date: 10/11/2021