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Withholding of Pay Policy

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Policy Statement

Each employee of Georgia Health Sciences University is responsible for and is expected to pay on a timely basis all of his or her debts owed to Georgia Health Sciences University, including fees, fines, penalties, and other financial obligations. If an employee fails to do so, GHSU may withhold pay from the employee's paycheck(s) in amount(s) totaling the debt that the employee owes to GHSU.

Reason For Policy

This policy establishes the authority under which Georgia Health Sciences University may withhold pay from employees under certain conditions.

Entities Affected By This Policy

All employees of Georgia Health Sciences University are covered by this policy.

Who Should Read This Policy

All employees of Georgia Health Sciences University should be aware of this policy.

Contacts

Title or Office	Phone	e-mail/URL
Vice-President for Legal Affairs	(706) 721-4018	legal@georgiahealth.edu

Printable Version of This Policy

<http://www.georgiahealth.edu/policies/>

Related Documents

Policy Manual of the Board of Regents, Section 802.14.01 "Withholding of Pay": <http://www.usg.edu/regents/policymanual/800.phtml>

Human Resources Administrative Practice Manual of the Board of Regents, Classification, Compensation, and Payroll "Policy on Withholding of Pay": http://www.usg.edu/employment/policies/hr_manual/classification/index.phtml

GHSU Administrative Policy No. 1.6.21 "Parking Penalty Appeals Committee": <http://www.edu/policies/1621.html>

GHSU Traffic and Parking Regulations: <http://georgiahealth.edu/psd/PrkgandTranspSvc/ParkingTransportationSvc/HomePage.htm>

GHSU Graduate Medical Education Policy No. M 4.0 "Housestaff Delinquent Records": <http://www.georgiahealth.edu/residents/HSPolicies>

[/m40.htm](#)

GHSU Administrative Policy "Relocation and Moving Expenses for New Employees": <http://www.georgiahealth.edu/policies/documents/relocationexpenses.pdf>

Definitions

As used in this policy:

Debt shall mean any amount owed to GHSU by an employee, including fees, fines, penalties, and other financial obligations that have arisen out of the employee's actions or inaction.

Employee shall include all faculty members, administrative officers, classified personnel, and students employed by GHSU, on a regular, regular-limited term, temporary, or temporary-occasional basis.

Department shall mean the GHSU 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 GHSU Department to an employee that shall set forth the nature of the debt, the amount owed to GHSU, and the deadline by which payment must be made.

Overview

Each employee of GHSU is expected to pay on a timely basis his or her debts owed to GHSU. The GHSU 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 of the nature and amount of the debt and the deadline by which payment must be made. Within fifteen days from the date of such Notice, the employee may challenge the validity of the debt by submitting a written statement to the head of the GHSU Department. The Department head shall notify the employee in writing of his or her decision regarding the validity of the debt within thirty days from the date of the initial Notice. The employee has the right to submit a written appeal of the Department head's decision within forty-five days from the date of the initial Notice to the Cabinet member who has primary supervisory responsibility over the Department collecting the debt. The Cabinet member's decision is final. If the employee has not paid the amount of his or her debt by the due date following the final determination of the debt's validity, the Department head shall submit written directions to the Office of the Controller to make deductions from the employee's paycheck(s) in amount(s) totaling the debt and shall provide a copy of such directions to the employee.

Process

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 of the nature of the debt, the amount owed to GHSU, and the deadline by which payment must be made (no sooner than sixteen (16) 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 fifteen (15) 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.

The Department head shall have thirty days (30) days from the date of the Notice to determine the debt's validity and to inform the employee in writing of his or her decision. If requested by the employee in his or her written statement, the Department head shall 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 forty-six (46) days from the date of the initial Notice), 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 GHSU Department within

forty-five (45) days from the date of the initial Notice.

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 endeavor to rule on the employee's appeal and inform the employee of his or her decision within sixty days (60) from the date of the initial Notice. 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 GHSU 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.

If an employee leaves GHSU employment before there has been a final determination of the debt's validity, the Office of the Controller shall withhold, consistent with this policy, the debt amount at issue from the employee's final paycheck. 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 GHSU will be handled in accordance with existing GHSU policies that specifically address those debts. For example, amounts owed by an employee for violating traffic and parking regulations will be handled in accordance with GHSU Traffic and Parking Regulations Section VII "Violation Fines and Fees" and GHSU Administrative Policy No. 1.6.21 "Parking Penalty Appeals Committee." Amounts owed by a house officer for delinquency in completion of medical records will be handled in accordance with GHSU Graduate Medical Education Policy No. M 4.0 "Housestaff Delinquent Records." Amounts owed by an employee for relocation and moving expenses because of the employee's failure to remain at GHSU will be handled in accordance with GHSU Administrative Policy "Relocation and Moving Expenses for New Employees."

Responsibilities

The responsibilities each party has in connection with the *Withholding of Pay* policy, are:

Each employee of GHSU	Pay all debts owed to GHSU on a timely basis.
GHSU Department that is responsible for assessing the fee, fine, or penalty at issue or that has suffered a financial loss giving rise to the employee's financial obligation	Notify an employee in writing of the nature of the debt, the amount owed to GHSU, and the deadline by which payment must be made.
Head of the GHSU Department	If requested, meet with employee challenging the validity of the debt. After review, determine the validity of the debt and inform employee. Should employee not timely pay the debt after final determination of the debt's validity, submit written directions to the Office of the Controller to withhold the amount owed, with a copy to the employee.
Cabinet Member with primary supervisory responsibility for the GHSU Department	Review and rule on an employee's written appeal of the Department head's determination of the validity of the debt.
Office of the Controller	Ensure that any amount withheld from an employee's paycheck in satisfaction of a debt owed to GHSU is done consistent with this policy.

Forms

None

Appendices

None

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