



State of Louisiana
DIVISION OF ADMINISTRATION

OFFICE OF STATE UNIFORM PAYROLL

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OFFICE OF STATE UNIFORM PAYROLL MEMORANDUM #2005-44

TO: All ISIS HR Agencies

FROM: Jena W. Cary
Director

SUBJECT: Clarification of Rule on Recoupment of Overpayments

Since the rule regarding recoupment of overpayments was published in the March 20, 2005 [State Register](#), a question has arisen regarding whether an agency must have an employee's consent prior to the agency recouping the overpayment.

According to the rule, agencies are to give written notification to the employee prior to recouping the overpayment. The notification must include the agency's procedure by which the proposed recoupment can be disputed. The employee can consent to the recoupment in one of two ways:

Implied Consent – The employee does not respond to the written notification. This implies that the employee agrees that he has been overpaid and agrees with the agency plan of action for the recoupment.

Express Consent – The employee responds to the written notification, either verbally or in writing, and advises that he agrees that he has been overpaid and he agrees with the agency plan of action for the recoupment.

The employee does have the right to dispute the claim of overpayment and to advise the agency to cease the recoupment efforts. If this occurs, the recoupment must be stopped until a resolution to the dispute has been reached. Agencies are advised to require that the employee put this disapproval in writing.

Auditors will be reviewing agency recoupment policies and assuring compliance to these policies as applied to recoupment efforts. Therefore, agency personnel must put forth every effort to recoup all employee overpayments and resolve any disputed overpayments.

Questions should be directed to Andrea Hubbard at (225) 342-0715.

JWC:APH/kmb