

AN GARDA SÍOCHÁNA



Management of Overpayments

Policy Document

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1. POLICY RATIONALE

The purpose of this policy document is to set out the administrative procedures for the recoupment of any overpayments made to employees of An Garda Síochána. Employees means all members of An Garda Síochána within the meaning of section 3 of the Garda Síochána Act 2005, and all civilian staff of An Garda Síochána within the meaning of section 19 of the same Act.

Overpayments of salary, allowances and expenses to employees may occur from time to time for various reasons. The Payment of Wages Act, 1991, section 5(5), affords an employer a legal right to recover any overpayment of wages, allowances or expenses from the wage of employees.

All wages, allowances and expenses are paid from public funds and as such An Garda Síochána is accountable for the appropriate use of such funds. It is the policy of An Garda Síochána to recoup overpayments in full and in all cases, irrespective of the reason for the overpayment.

2. POLICY AIMS & OBJECTIVES

This policy aims to ensure that;

- An Garda Síochána continues to be compliant with obligations under the Payment of Wages Act 1991.
- All efforts are made by An Garda Síochána to ensure that public monies are accounted for.
- Employees of An Garda Síochána are treated fairly and equitably.

3. STATEMENT OF POLICY

The following are some of the reasons why overpayments may occur, however this list is not exhaustive:

- Sick leave in excess of permitted limits
- Late notification of sick leave or other unpaid leave
- Failure to claim social welfare benefits (e.g. illness benefit, maternity benefit)
- Retention of social welfare benefits (e.g. illness benefit, maternity benefit)
- Late notification to stop or amend allowances
- Late notification of commencement of unpaid leave (maternity / parental / career break etc.)
- Late notification of retirement
- Payment of incorrect salary point
- Administrative error
- Unauthorised absences
- Flexi or annual leave deficits

Employees should note that if availing of paid leave for which social welfare benefits are also payable, e.g. paid sick leave, or paid maternity leave, they are not entitled to receive their full wage in addition to their social welfare benefit. Failure on the part of employees to claim social welfare benefits and mandate them to their employer, as well as retention of social welfare benefit in addition to their wage, is treated as an overpayment. HQ Directive 096/2013 and 13/2012 have reference.

All overpayments will be finalised and recovered within an acceptable period of time, however provision may be made to recognise very exceptional circumstances that employees may find themselves in and accommodations may be afforded to employees in these cases.

3.1 Overpayment Recovery Procedures

- Overpayments are notified to Human Resources (HR) by the Payroll Shared Services Centre (PSSC). On discovery of an overpayment, other than that arising from a single day absence, HR will notify the employee in writing of the existence of the overpayment, the gross amount of the overpayment, and how it occurred. Employees will be advised of the proposed repayment schedule and will be afforded 14 days to respond. Correspondence may be followed up by telephone where it is considered necessary.
- Where no response is received within 14 days, instruction will issue to the Payroll Shared Services Centre to commence the proposed deduction until the overpayment is fully recouped. The default deduction to be applied is 10% of the gross wage, and deductions from the employee's wage will commence on the next pay date.
- Where there are exceptional and verifiable personal circumstances, a lesser deduction may be agreed with HR. This will be dealt with on a case by case basis. Employees should note however that the final decision on the amount to be repaid will be at the discretion of HR.
- Where repayment terms other than the default deduction are arranged with HR, employees must confirm the agreed repayment schedule in writing and the deductions will commence on the next possible pay date.
- Where a repayment plan is already in place and a subsequent overpayment occurs, employees will be notified of same however the existing repayment plan in place will be continued, and may be restructured, until all outstanding monies are recovered. Employees should note that if any subsequent overpayments are of a large amount the existing repayment plans may need to be increased.

- **Methods of Repayment**

Where an overpayment occurs employees will be required to repay all monies outstanding within a reasonable period of time. Overpayments may be recovered in the following ways:

- Overpayments in respect of single day absences at reduced rate or zero rate of pay, e.g. single day parental leave, single day sickness absence, will be recouped automatically and in full on the next pay day following notification to HR of the occurrence of the absence.
- All other overpayments will be recouped in full by way of regular deductions of gross wage over a number of pay dates until the overpayment is fully recouped. The standard deduction is 10% of gross wage.
- Employees may make arrangements to have deductions made in an amount greater than 10% of their wage.
- Employees may avail of alternative repayment arrangements in consultation with HR however the final decision on the amount to be repaid will be at the discretion of HR.
- Employees may arrange for repayment by way of a single lump sum where they are exiting the organisation.

Note:

- Where an employee is due an enhanced payment such as arrears of wages/allowances before an overpayment is fully recovered, employees are strongly encouraged to offset the enhanced payment as part or full payment of their overpayment.

- Where repayment plans are in place and are suspended for periods of off-pay (e.g. unpaid sick leave), same will be continued upon resumption of the employee to the payroll.
- Any outstanding overpayments may, in consultation with the employee, be recovered from any lump sum, gratuity payments, or monies owing where employees are exiting the organisation.

All employees share a responsibility to report instances where they believe they may have been overpaid. It is the responsibility of employees to check their payslip each pay period and report to HR if they believe they are in receipt of payment to which they are not entitled.

3.2 Non –standard arrangements

i. Overpayments to employees who are temporarily off the payroll:

Overpayments in this category may arise as a result of employees availing of sick leave or family friendly schemes. Where a repayment plan is in place prior to the employee going off the payroll, it will be reactivated as soon as the employee returns to the payroll. Where there is no repayment plan in place prior to the employee going off the payroll, a repayment plan will be agreed between HR and the employee and will commence as soon as the employee returns to the payroll. Where no repayment plan is agreed the default deduction will be applied as soon as the employee returns to the payroll.

ii. Overpayments to employees who transfer from An Garda Síochána:

Overpayments to this category of employees will be recouped by the new Department in accordance with the repayment schedule already in place and the monies will then be refunded to An Garda Síochána.

iii. Overpayments to retired employees:

Where an employee is exiting the organisation, and a wage adjustment on retirement is not sufficient to discharge any outstanding overpayment, agreement will be

required in order that the overpayment can be recouped from any gratuity or pension payments due.

iv. Overpayments to employees who are permanently off the payroll i.e. following resignation/dismissal:

Where employment with An Garda Síochána ceases, the PSSC will be requested to calculate the net amount of any overpayment outstanding and the individual will be informed of the amount due. In such cases individuals will be required to submit a single payment. In the event that such an arrangement is not made within one month of the date of departure from the organisation, the appropriate legal proceedings will be instigated for the recovery of the overpayment together with the consequential costs of the proceedings.

v. Overpayments in the event of death in service:

Where an employee dies in service and a death gratuity is payable to the estate of the deceased person under the terms of the pension scheme being applied, any outstanding overpayment will be deducted from the death gratuity.

Conclusion

With consideration for the legislative provisions contained in the Payment of Wages Act, An Garda Síochána will endeavour to recoup all overpayments in as sensitive and reasonable manner as possible with due regard for the particular circumstances of an employee.

Employees and management should take cognisance of the fact that overpayments can be minimised by ensuring that all pay, leave and allowance related activity or adjustments are administered locally, or submitted to HR and Payroll Shared Services without delay.

An Garda Síochána does not have the discretion or authorisation to write off any overpayment.

4. PUBLICATION

This policy may be made available to the public and is open to public scrutiny.

5. MONITORING AND REVIEW

This policy will be monitored, reviewed and updated in the event of any legislative change, or otherwise, that necessitates any change.