

5767-S

Sponsor(s): Senate Committee on Government Operations & Elections  
(originally sponsored by Senators Roach and Kastama; by request of  
Office of Financial Management)

Brief Description: Providing for recoupment of state employee  
salary and wage overpayments.

**SB 5767-S - DIGEST**

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that debts due the state for the overpayment of wages to state employees may be recovered by the employer by deductions from subsequent wage payments as provided in this act, or by civil action. If the overpayment is recovered by deduction from the employee's subsequent wages, each deduction shall not exceed: (1) Five percent of the employee's disposable earnings in a pay period other than the final pay period;

(2) The amount still outstanding from the employee's disposable earnings in the final pay period.

Provides that nothing in this act prevents: (1) An employee from making payments in excess of the amount specified in this act to an employer; or

(2) An employer and employee from agreeing to a different overpayment amount than that specified in the notice in this act or to a method other than a deduction from wages for repayment of the overpayment amount. The deductions from salary or wages shall continue until the overpayment is fully recouped.

Provides that, when an employer determines that an employee was overpaid salary or wages, the employer shall provide written notice to the employee. The notice shall include the amount of the overpayment, the basis for the claim, a demand for payment within twenty days of the date on which the employee received the notice, and the rights of the employee under this act.