University of Colorado
Boulder | Colorado Springs | Denver | Anschutz Medical Campus
EMPLOYEE SERVICES

Title:	**Employee Services Overpayment Procedural Statement**
Effective:	04/16/2026
Revised:	
Issued by:	Payroll and Benefits Administration
Approved by:	

Policy 2
Scope 2
Governing Regulations 2
Responsibilities 3
Employee responsibilities include 3
Hiring department responsibilities include 3
Employee Services (ES) responsibilities include 3
Amounts to be Recovered 4
Repayment Options 4
Repayment Schedules 5
Uncollected Overpayments 6
Repayments Crossing Tax Years 6
Effect on 1042 Taxes 7
Crediting Department 7
Resources 7

Policy

The University of Colorado will follow the guidelines provided by the Internal Revenue Service, Social Security Administration, and State of Colorado in the recovery and reporting of overpayments. The procedures identified within this policy describe how overpayments are to be recovered, based on the applicable governing regulations.

Scope

Overpayment occurs when compensation that is not owed to the employee is paid in error. Overpayments include (but are not limited to) excess wage and salary payments, erroneous refunds, under-withheld voluntary or involuntary deductions for retirement programs, insurance programs, billed receivables and miscellaneous deductions.

This policy applies to all employees paid by the university. So as not to put the university at risk of non-compliance, attempts will be made to recover all overpaid funds.

Governing Regulations

The university's policy will be in accord with:

- Internal Revenue Service requirements – per **IRS Publication 15 – Employer's Tax Guide, Wage Repayments** section:

  If an employee repays you for wages received in error, do not offset the repayments against current-year wages unless the repayments are for amounts received in error in the current year.

- State of Colorado Fiscal Rule 9-5- **Overpayments to State Employees** (Authority: 24- 50-104 (8), C.R.S):

  Through error, a state employee may be paid more than is due. When the error is detected, provisions shall be made for the repayment of the overpayment.

  If the overpayment is nominal, it shall be deducted from the employee's next paycheck. However, in some cases the overpayment may be significant and require a repayment schedule extending over a period of time. The chief executive officer, or a delegate, of the state agency or institution of higher education shall establish a repayment schedule based on the particular facts involved in each case. Any repayment schedule extending for more than six months shall be subject to approval by the State Controller.

  The Overpayment shall be limited to the total amount of the overpayment in the present calendar year plus the total amount of any Overpayment in the three prior calendar years.

- State Personnel Board Rules and Personnel Director's Administrative Procedures – **4 CCR 801-1**

  Payroll deduction

  1-79. State departments and institutions of higher education shall process payroll deductions including but not limited to, those required by federal law, state statue, executive order, through partnership agreements or state sponsorship, and including: (04/01/2020)

  A. Pre-tax benefit contributions governed by the State's Salary Deduction Plan; and/or (04/01/2020)
  B. The reimbursement of monies owed to the State from an employee (e.g., higher education tuition, uniforms, salary overpayment) (04/01/2020)

Responsibilities

Employee responsibilities include:

- Reviewing their paychecks and pay advices for accuracy
- Promptly reporting any discrepancies to their supervisor and/or appointing authority
- Promptly repaying all overpayments made by the university to the employee, regardless of who made the error
  Delay in repaying and/or processing of overpayments can result in additional amounts to be recovered from the employee (see the Amounts to be Recovered section below).
- Assure that address and contact information in HCM system is current and accurate
  ES overpayment correspondence is sent to the mailing address shown in the HCM system. Current employees should report changes of address to the hiring department so that corrections to the HCM system can be made. Former employees should contact ES for assistance.

Hiring department responsibilities include:

- Preventing wage overpayments
- Promptly reviewing payroll registers in order to identify errors in time to correct them before they become overpayments
- Timely correction of the employee's compensation records (if applicable) when an overpayment occurs.
- Notifying the employee affected that an overpayment has occurred
- Submitting the Notice of Overpayment Adjustment (NOPA) form to Employee Services electronically using the OnBase Notice of Overpayment Adjustment Form (NOPA)
- Making changes to the HCM address and contact information as requested by the employee
- Reviewing any objections from the employee regarding salary amounts overpaid and resolving any discrepancies with the employee
- Notifying ES in writing of any changes to the overpaid amount
- The employee's hiring department must not:
  - Collect the overpayment from the employee
  - Arrange a recovery schedule with the employee

Employee Services (ES) responsibilities include:

- Recording receipt of Notice of Overpayment Adjustment Form (NOPA) into the overpayment system
- Confirming the gross salary overpayment and/or incorrect deduction or refund reported
- Calculating the employee's net overpayment due, regardless of the source of error
- Determining what repayment options are consistent with university policy
- Managing the recovery process (correspondence, repayment arrangements, receipts of funds in compliance with accepted fiscal practices, crediting the department after overpayment is recovered and initiation of collection processes when necessary)
- Completing a W-2C (if applicable)
- Reconciling overpayment accounts

Amounts to be Recovered

The amount to be recovered from the employee includes the net amount overpaid, with whatever additions or limits are appropriate as listed below:

- If recovery is not completed within the same tax year in which the overpayment occurred, amounts withheld for federal and state income tax that cannot be recovered from the Internal Revenue Service and/or State of Colorado must be repaid by the employee (see the Repayments Crossing Tax Years section below).
- If the recovery time allowed by the Social Security Administration is exceeded, amounts withheld for social security (OASDI) and Medicare that cannot be recovered from the Social Security Administration must be repaid by the employee or employing department (see the Repayments Crossing Tax Years section below).
- If the employee has closed a retirement account (PERA< 401(a), 403(b), 457, etc.) before amounts over-deposited have been reclaimed by ES, these amounts (including any employer contributions overpaid) must be repaid by the employee.
- If amounts deducted for benefit or other purposes have already been paid and cannot be recovered from the payee/carrier because of the employee's action or inaction, they must be repaid by the employee. If they cannot be recovered from the payee carrier because of action or inaction by a university department, that department will be responsible for repaying these amounts.
- Overpayments not repaid in a timely manner may be referred to the collection agency. When this occurs, the employee becomes liable for the gross amount overpaid plus any fees and penalties assessed by collection agency.
- Per Code of Colorado Regulations-Division of Finance and Procurement 1 CCR 1010-1, 3.3: A State employee's maximum liability for repayment of a payroll-related overpayment shall be limited to the total amount of the overpayment in the present calendar year plus the total amount of any overpayment in the three prior calendar years. A State employee's maximum liability for repayment of a non-payroll-related overpayment shall be limited to the total amount of the overpayment in the present fiscal year plus the total amount of any overpayment in the three prior fiscal years.
- Per Code of Colorado Regulations-Division of Finance and Procurement 1 CCR 1010-1, 3.4: Any amount that an employee of a State Agency has not repaid in accordance with this rule is subject to the Accounts Receivable Collections Administrative Rule, set forth in 1 CCR 101-6. Any amount that an employee of an Institution of Higher Education has not repaid in accordance with this Fiscal Rule is subject to the accounts receivable policies of that Institution of Higher Education.

Repayment Options

Forms of repayment: Employee repayments must be made either by personal check (made out to the University of Colorado), or payroll deduction. ES cannot process wire transfers. Cash payments are discouraged for the employee's protection.

Overpayment recoveries which cross tax year may cause addition as to the amount the employee has to repay (see Amounts to be Recovered above). It is usually to the employee's advantage to request that payroll deduction and repayment plans be shortened to finish in the same tax year in which the overpayment occurred.

Active employees with current salaries: ES will default set up payroll deductions according to repayment schedule guidelines as below. Employees may opt to pay by personal check(s) or to shorten the length of their repayment schedule by contacting ES.

Terminated employees and those with insufficient salary for payroll deduction must pay by personal check or. At the discretion of ES, a payment plan may be set up.

Repayment Schedules

Payroll deduction plans will be set up for active employees based on comparison of the gross amount of the overpayment to the employee's gross monthly salary or bi-weekly wage payment, as indicated in the chart below. If the employee's pay is not sufficient for full deductions, the employee must pay the balance due by personal check at the end of the payroll deduction period. Employees may elect payment by personal check, or a shorter deduction period may be advisable to prevent additional money being owed due to crossing of tax years.

Any changes to the original overpayment amount may require an adjustment to the repayment schedule, based upon the new values.

If gross overpayment is _ of employee's gross monthly salary or bi-weekly wage payment.	Overpayment will be deducted equally from the next:
20% or less	1 available wage payment
20.1% to 40%	2 available wage payments
40.1% to 60%	3 available wage payments
60.1% to 80%	4 available wage payments
80.1% to 100%	5 available wage payments
100.1% to above	6 available wage payments

Payments by **personal check** are required within 30 days of the ES overpayment notice being sent to the employee.

Payment plans may, at the discretion of ES, be negotiated with employees who wish to make multiple payments by personal check.

Payment and payroll deduction plans **exceeding a six-month** pay period must be approved by the state controller per State Fiscal Rule 9-4. NOTE: This rule applies only to state employees. Are classified employees so counted? Requests for such plans must be made through ES and require a business case which must be approved and submitted to the state controller via the university Treasurer's Office. All requests will be reviewed by the payroll administration manager prior to submission to the Treasurer's Office.

Uncollected Overpayments

Payroll deduction plans will be discontinued and payment of remaining balance by personal check required **if the employee receives no pay for two consecutive pay periods**. Notice will be sent to the employee that payment by personal check is required.

Payment plans will be discontinued, and the remaining balance will become immediately due and payable **if payments are not made in the amount and frequency agreed**. Notice will be sent to the employee that full payment by personal check is required.

Payments by personal check for unpaid balances are required within 30 days of the ES notice being sent to the employee, or within 30 days of the end of the payroll deduction plan or payment plan. If such payment is not received, notice will be sent with a warning that the file may be referred to a collection agency if payment is not received within 14 days. If payment is not received within this time period, the uncollected overpayment will be reported to a collection agency in writing.

Uncollected overpayment recoveries of $100 or less will be reviewed with the department for instructions on pursuing collection.

If an employee leaves employment and subsequently returns, any uncollected overpayment will be scheduled to be deducted by payroll deduction plan. Correspondence will be sent to employee's mailing address on record stating the timing and amount of payroll deductions.

Repayments Crossing Tax Years

Employee reporting or repayment: The wages paid in error in the prior year remain taxable to the employee for that year. This is because the employee received and had use of those funds during that year. The employee isn't entitled to file an amended return (Form 1040-X) to recover the income tax on these wages, instead, the employee may be entitled to a deduction or credit for the repaid wages on their income tax return for the year of repayment, However, the employee should file an amended return (Form 1040-X) to recover any additional Medicare tax paid on the wages paid in error the prior year. If an employee asks about reporting their wage repayment, you may tell the employee to see *Repayments* in Pub. 525 for more information.

Effect on withholding taxes: In accordance with IRS requirements as stated above, ES may adjust taxable income and tax withholding balances only for the amount of repayment received in the same tax year in which the overpayment occurred. Therefore, when recovery of an overpayment that crosses into a subsequent tax year, the amount due from the employee is increased by withholding taxes (both federal and state) associated with any unpaid balances at the end of the tax year. ES will send a *Letter of Credit for Income Tax Purposes* to each employee in this situation in the January following the tax year in which the repayment occurred, showing the amount repaid in that year.

Effect on social security (OASDI) and Medicare taxes: The Social Security Administration allows correction and recovery of these tax balances for the current year and the three previous tax years. ES will file these corrections by generating and filing a W2-C. If the allowable recovery time frame is exceeded, the overpayment amount due is increased by these tax amounts. If the time frame was exceeded because of the employee's action or inaction, these taxes must be repaid by the employee. If the taxes cannot be recovered from the Social Security Administration because of action or inaction by a university department, that department will be responsible for these amounts.

Resources for employees: To determine how to account for these repayments when filing their taxes, employees may review the *Repayments* in IRS Publication 525, Form 1040 and Schedule A Instructions, or contact their personal tax advisor or the IRS for assistance.

Effect on 1042 Taxes

The university is obligated to withhold 14% 1042 tax from non-qualified scholarship payments issued to nonresident aliens through HCM (3200 job code series). Overpayments occur when 1042 tax is not withheld as required and are generally due to the delay or failure of the recipient to document their U.S. residency with the university's International Tax Office as required. The IRS allows under withheld 1042 tax to be deducted from future payments issued to beneficial owners, in the current or subsequent tax year with restrictions If the university is unable to recover under withheld tax, Employee Services will issue Form 1042-S to the recipient and the IRS reporting under withheld tax.

Crediting Department

Recovered funds are credited back to the department when the overpayment is completely recovered. Partially recovered funds are credited back to the department whenever an overpayment recovery crosses into a new fiscal or calendar year. Credits cannot be made prior to repayment by the employee, so departments must make appropriate accommodation for funding source issues. If amounts deducted for benefit or other purposes have already been paid and cannot be recovered from the payee/carrier because of action or inaction by a university department, that department will not receive credit for them.

Resources

Please refer to the Repayments section in IRS Publication 525 for more information: IRS Publication 525