**Recovery of Overpayments**

1. The purpose of this policy is to inform staff members of the actions taken by the Organization when recovering overpayments resulting from an indebtedness to the organization by current and former staff members.
2. This policy concerns the recovery of overpayments, not recovery of advances that are recovered immediately and in full against the monthly payments received by staff members.

1. The following definitions apply for the purposes of the present section:

* 1. **Overpayments:** Payments made by the Organization to a staff member in excess of his/her salary, benefits and entitlements under the UN Staff Regulations and Staff Rules and relevant policies;
  2. **Advances**: Advance payments received by a staff member from the Organization that are authorized under the UN Staff Regulations and Staff Rules and relevant policies;
  3. **Monthly payments**: Monthly earnings of a staff member less payroll deductions, excluding those deductions made at the request of the staff member for payment to the United Federal Credit Union (UNFCU) or a similar institution.

# Applicability

1. The present policy applies to all staff members governed by the UN Staff Regulations and Staff Rules, including staff members who have been separated.

# Discovery of Overpayment

1. When the Organization discovers that an overpayment has been made, the office responsible for the determination and administration of the entitlement will immediately notify the staff member and process the recovery. That office will keep a record of such notification.

1. If a staff member discovers that an overpayment has occurred, he/she must notify immediately:

* 1. If an internationally recruited staff member stationed outside New York, the Copenhagen HR Specialist serving the duty station; or

* 1. If a locally recruited staff member stationed outside New York, the HR focal point at the duty station; or
  2. If an internationally or locally recruited staff member stationed in New York, the Copenhagen HR Specialist serving the organizational unit.

# Amounts to be recovered

1. Overpayments will normally be recovered in full. However, when the HR Specialist or Resident Representative, as the case may be, determines that the overpayment resulted from an administrative error on the part of the Organization and that the staff member was unaware of or could not reasonably have been expected to be aware of the overpayment, recovery of the overpayment will be limited to the amounts paid during the **two-year period prior** to:

* 1. The notification by the Organization (as per paragraph 5 above); or
  2. The notification by the staff member (as per paragraph 6 above), if earlier.

1. Any overpayment in excess of the same entitlement that may be made **after** the date of notification will be recovered in full.

1. The two-year limitation provided in paragraph 7 will not apply when the facts indicate that the overpayment was due to the submission of erroneous, fraudulent or incomplete information, or misrepresentation by the staff member. In such cases, the overpayment will be recovered in full.

# Method of Recovery

1. An overpayment that creates a debt to the Organization on the part of the staff member will normally be recovered immediately by means of deductions from salaries, wages, and other emoluments payable under the UN Staff Regulations and UN Staff Rules. However, the HR Specialist or the Resident Representative, as the case may be, may agree with the staff member who has received overpayments on:

1. Alternative means of repaying the amount due, such as payment by bank transfer, bank cheque or personal cheque from the staff member; or
2. Recovery in monthly instalments subject to the contract expiry date of the staff member; or
3. Other methods of recovery at the disposal of the Organization.
4. The agreement on the method of recovery of an overpayment must include a written undertaking that if the staff member separates from service prior to full reimbursement of the debt owed to the Organization, any outstanding balance shall be recovered in full against his/her final emoluments or those paid to him/her by another UN Common System Organization. Any balance that exceeds the final emoluments due to him/her must be paid immediately and in full prior to separation.
5. In the absence of an agreement with the staff member on the method of recovery, the Organization may choose to recover such debt using any method of recovery at its disposal.

# Responsibility for Recovery

1. The HR Specialist or the Resident Representative, as the case may be, are responsible for ensuring that overpayments are recovered in full.
2. Where there is indication that the full amount is not likely to be recovered, the matter shall be escalated to the Director, OHR and to the UNDP Comptroller.