



# LOCAL S/6, INDUSTRIAL UNION of MARINE & SHIPBUILDING WORKERS OF AMERICA / I.A.M.A.W.

722 Washington Street, Bath, Maine 04530 207-443-5566 207-442-9750 (fax)



## LEADERSHIP ALERT: 3/17/23

### !!! DO NOT SIGN ANY NOTICE/FORM FOR !!! !!! WAGE OVERPAYMENT/DEDUCTION !!!

Brothers and Sisters,

Several of our members have been handed wage deduction forms to sign for overpayment. **DO NOT SIGN THESE FORMS.** We recently sent a cease-and-desist notice to the Company in this regard. Related employment laws are attached to the back of this alert. Stand strong!

**GENERAL DYNAMICS**  
Both Iron Works

Wage Overpayment Recovery Notice Application Form

Notice to Employee of Wage Overpayment and Intent to Make Wage Deductions

Request Date	3/15/2023	Badge	
Requestor	Linda Escobedo	Name	
Phone Number	207-442-4404	Amount	

This serves as notice of GD BATH IRON WORKS CORPORATION's intent to begin making wage deductions to recover wage overpayments made to you due to the reason listed below. GDBIW will not make any deduction(s) to recover a wage overpayment until at least (15 days) after providing this notice.

If you dispute this overpayment or GDBIW's right to recover this overpayment through wage deductions, or you have any questions please contact Payroll at Payroll-Salary@gdbiw.com or Payroll-Hourly@gdbiw.com, or call extension x1122. You may be asked to submit your disagreement in writing which must include the reasons for contesting the overpayment or deduction, and attach any documentation you contend supports your claim. GDBIW will handle any disputes in accordance with applicable state law and will not tolerate retaliation against any employee who in good faith disputes a wage overpayment or wage deduction or otherwise exercises employee rights under applicable law.

Reason: Over paid [redacted] Due to system error.

**Payment Options**

Below are your re-payment options. Please put an X in the box under the selection column for the option you desire. Deductions will begin the pay week after Payroll receives this form.

# Of Weeks	Amount	Selection
1	[redacted]	<input type="checkbox"/>
2	[redacted]	<input type="checkbox"/>
3	[redacted]	<input type="checkbox"/>
4	[redacted]	<input type="checkbox"/>

By signing below, I acknowledge that I received a copy of the foregoing Notice to Employee of Wage Overpayment and Intent to Make Wage Deductions, and that I read and understood it. I acknowledge that I received the overpayment(s) described in the Notice, and I give permission to GDBIW to make deduction(s) from my future paychecks in accordance with the deduction schedule set forth in the Notice so that GDBIW may recover these overpayments.

If my employment terminates before any wage overpayment is repaid to GDBIW, I understand and acknowledge that I am still obligated to repay this overpayment, and the wage overpayment may be deducted from my final paycheck, to the extent permitted by applicable state or local law.

Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

23 September 2022 Rev.

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Vice President  
Clayton Reid  
Trustee

Clint Downer  
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Chief Steward Hardings/CW/Bissons  
David Clukey  
Conductor-Sentinel

Ryan Ryder  
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Stephen Stewart  
Secretary-Treasurer  
Brad Farrell  
Educator

**TWO-SIDED/PAGES**

## §635. Overcompensation by employer

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Net amount" means the amount of money due an employee as compensation after any deductions or withholdings other than an employer's withholding for the purpose of recovering any overcompensation. [PL 1989, c. 804 (NEW).]

A-1. "Employer" means a person in this State that employs individuals and includes the State and political subdivisions of the State. "Employer" includes a person acting in the interest of an employer directly or indirectly. [PL 2021, c. 425, §1 (NEW).]

B. "Overcompensation" means any compensation paid to an employee that is greater than that to which the employee is entitled under the compensation system established by the employer, but does not include fringe benefits, paid leave, awards, bonuses, settlements or insurance proceeds in respect to or in lieu of compensation, expense reimbursements, commissions or draws or advances against compensation. [PL 2021, c. 425, §1 (AMD).]

C. "Paid leave" has the same meaning as in section 636, subsection 1, paragraph C (../26/title26sec636.html). [PL 2021, c. 425, §1 (NEW).]

[PL 2021, c. 425, §1 (AMD).]

**2. Recovery of overcompensation; limitations.** An employer who has overcompensated an employee through employer error may not withhold more than 5% of the net amount of any subsequent pay without the employee's written permission, except that, if the employee voluntarily terminates employment, the employer may deduct the full amount of overcompensation from any wages due. An employer who has overcompensated an employee through employer error may not recover more than the amount of overcompensation paid to that employee in the 3 years preceding the date of discovery of the overcompensation.

[PL 2021, c. 425, §1 (AMD).]

**3. Violation.** If an employer with over 25 employees violates this section, that employer forfeits any claim to the overcompensation.

If an employer with 25 or fewer employees knows of the limitations established by subsection 2 (../26/title26sec635.html) and violates this section, that employer forfeits any claim to the overcompensation. An employer of 25 or fewer employees who does not know of the limitations established by subsection 2 (../26/title26sec635.html) and who violates this section shall return all money withheld in excess of that permitted under subsection 2 (../26/title26sec635.html) within 3 days of written or oral demand by the employee, or forfeits any claim to the overcompensation.

[PL 2021, c. 425, §1 (AMD).]

**4. Application.** This section is applied as follows.

A. An employer has the burden of proof, except that, if the overcompensation amounts to less than 15% of the correct net amount of the employee's compensation, the employer must prove by clear and convincing evidence that the employee

B. If an employee knowingly accepts the overcompensation, this section does not apply. [PL 1989, c. 804 (NEW).]

C. This section, except for the forfeiture provisions in subsection 3 (../26/title26sec635.html), does not limit or affect an employer's general civil remedies against an employee or an employee's general civil remedies against an employer. [PL