



GPO Directive 440.7B

SUBJECT CLASSIFICATION

August 30, 2016

ISSUE DATE

Employee Wage Garnishments

TITLE/SUBJECT

1. **Purpose.** To inform employees and the public of the GPO’s procedures for processing wage garnishments and other earnings withheld for child support, alimony, debt garnishment payments, bankruptcy, and other similar withholdings. This does not include wage withholdings for debts owed by employees to the GPO, which is addressed in GPO Directive 445.20.
2. **Authority.** Section 459 of Public Law 93-647, dated January 4, 1975, codified at 42 U.S.C. § 659, authorized garnishment of salaries of federal employees for the purpose of court directed alimony/child support payments. Section 9 of Public Law 103-94, dated October 6, 1993, codified at 5 U.S.C. § 5520a, authorized garnishment of salaries of Federal employees, under orders of State courts, for debts other than for alimony and child support.
3. **Supersedes.** This Directive supersedes GPO Instruction 440.7A, Court Directed Alimony and Child Support, dated February 25, 1980, and GPO Notice 440-61, Garnishment of Government Printing Office Employees’ Pay, dated March 4, 1994.
4. **Service of Court Orders and Other Garnishment Notifications.**
 - a. The Office of the General Counsel (OGC) is designated as the agent to which all garnishment orders or notifications must be served. For service of an order or notice to be proper, it must be addressed to the OGC and sent by certified or registered mail, return receipt requested, or by hand-delivery to the OGC at the following address:

Office of the General Counsel
United States Government Publishing Office
Room C-814, Stop GC
732 North Capitol Street NW
Washington, DC 20401
 - b. Garnishment notifications include all notifications sent by an authorized official pursuant to a court order, or state or local law. Garnishment notifications must be served in accordance with ¶ 4.a.
 - c. Notifications for withholdings of wages for child support or alimony sent by a child support agency, or other authorized authority, are not required to meet the service requirements delineated in ¶ 4.a, but should be sent to the address listed in ¶ 4.a to ensure

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efficient processing. For more information on child support and alimony garnishments, see ¶ 6.

- d. The OGC will determine whether a garnishment order or notification has been properly served. Garnishment orders or notifications that are improperly served will be returned to the sender, and the order or notification will not be enforced until the order or notification has been properly served.
- e. Once a garnishment order or notification has been properly served, the OGC will then evaluate the order or notice to determine whether it meets the minimum legal requirements.

5. **Wage Withholding Priorities and Limitations.**

a. Child Support and Alimony.

- (1) Child support and alimony deductions take priority over all other garnishment deductions, with some exceptions.
- (2) The Court or other authorized authority determines the amount that GPO will withhold from an employee's paycheck for child support and alimony payments. This amount is not limited to a percentage of an employee's disposable income or earnings.
- (3) GPO will not stop or modify child support and alimony deductions until the OGC has received and processed a court order or notification from an authorized authority requiring such action.

b. Wage Garnishments.

- (1) Commercial and other private garnishments are only deducted from an employee's paycheck after amounts owed for child support and/or alimony have been deducted.
- (2) If an employee has any additional garnishment orders issued against them, further deductions will be prioritized by the date that the garnishment order was properly served on the agency, unless state law where the garnishment was issued requires otherwise.
- (3) Commercial and other private garnishment deductions are limited to 25% of an employee's disposable earnings. Disposable earnings are the part of an employee's earnings remaining after any amounts required to be withheld by law have been deducted.
- (4) If child support and alimony deductions exceed 25% of an employee's disposable earnings, a commercial or private garnishment will not be paid until the employee's child support and alimony deductions fall below 25% of the employee's disposable earnings.

6. Procedure for Processing Alimony and Child Support Orders or Notifications From Child Support Enforcement Agencies.

- a. If an order or notification meets the minimum legal requirements, the OGC will send the order or notification to the Payroll Section (Payroll) for processing. If an order or notification does not meet the minimum legal requirements, or if the OGC discovers another problem, the OGC will notify the plaintiff, the court, and the employee of the issue.
- b. Human Capital (HC) will notify the OGC when an individual directed by the court to pay alimony and/or child support has been separated, or is being separated, from GPO employment. Once notified by HC, the OGC will notify the court.
- c. Upon receipt of an order or notification transmitted and approved by the OGC, Payroll processes the amount to be withheld through the National Finance Center. Payroll will calculate payments on a bi-weekly schedule in accordance with GPO's pay period calendar. If a court order directs monthly payments, Payroll will convert this amount to a bi-weekly sum by multiplying the monthly amount by 12 months and dividing the results by 26 pay periods.
- d. Alimony and child support orders may require GPO to provide a court, or other authorized entity, with information about an employee's earnings or health insurance coverage. The OGC reviews such requests for approval. Once approved, Payroll or HC will provide the OGC with the requested information. The OGC will evaluate the documents and will make any legal determinations regarding any necessary redactions or objections to providing the requested information. Once approved by the OGC, the OGC will send the requested information to the requesting authority.

7. Procedure for Processing Garnishment Orders for Debts Other Than Child Support or Alimony.

- a. If a garnishment order meets the minimum legal requirements, the OGC will send the garnishment order to Payroll for processing. If the order does not meet the minimum legal requirements, the OGC will advise the creditor or creditor's attorney of that deficiency and will send a copy of that notification to the court and the employee-obligor.
- b. Once GPO has been properly served with a garnishment order that meets the minimum legal requirements, the OGC will notify the employee-obligor within 15 days of the date of service, in writing, that the garnishment order has been received and approved. OGC will send a copy of the approved order to the employee-obligor.
- c. HC will notify OGC when an employee-obligor has been separated, or is being separated, from employment at the GPO. Based upon this notification, OGC will notify the issuing court of the employee's separation and will send a copy of this notification to the creditor's counsel. If the creditor is unrepresented, notification will be sent directly to the creditor.

- d. Payments will be made by the National Finance Center in accordance with the Agency's procedures. A garnishment will continue until the entire debt is satisfied, unless an employee separates from the Agency, or a court or other legally authorized authority orders otherwise.

8. Other Deductions.

a. Bankruptcy.

- (1) If GPO receives a bankruptcy order that requires deductions from an employee's pay, GPO will make deductions pursuant to the order issued by the bankruptcy court in accordance with GPO's bi-weekly pay schedule.
- (2) If a GPO employee has filed for bankruptcy, GPO will stop all garnishment payments, with some exceptions, once GPO has received proper notification from the bankruptcy court or trustee. If an employee has a copy of his or her bankruptcy filing, he or she may bring a copy to the OGC. Once OGC has verified that the bankruptcy has been filed with a Federal bankruptcy court, OGC will direct Payroll to stop payments on garnishments pursuant to the automatic stay provision of the U.S. Bankruptcy Code, 11 U.S.C. § 362. The automatic stay provision typically does not apply to orders for domestic support obligations such as child support or alimony, and therefore such payments will generally not be stopped by a bankruptcy filing.

b. Tax Levies.

- (1) The Internal Revenue Service (IRS) sets up and withholds all applicable Federal Tax Levies directly from an employee's paycheck. GPO personnel have no control over these deductions. GPO employees should contact the IRS with any questions about such deductions. Payroll cannot stop an IRS deduction from an employee's salary until the IRS issues a letter to GPO stating that the debt has been paid in full or that the IRS is relinquishing the debt.
- (2) Payroll executes deductions for state or local tax debt in accordance with notifications issued from the state. GPO employees should contact the state or local taxing authorities with any questions.

c. Student Loans Held by the Department of Education. Employees who owe student loan debt to the U.S. Department of Education may have amounts deducted from their wages to pay such debt pursuant to 5 U.S.C. § 5514, which applies to Federal employees who owe debts to the United States. On occasion, a wage garnishment request may be sent to GPO erroneously because the Department of Education or its loan servicer is not aware that the debtor is a Federal employee for whom 5 U.S.C. § 5514 would apply. In such instances, OGC will return the request to the Department of Education for proper processing under 5 U.S.C. § 5514.

9. **Inquiries.** Questions about starting or stopping the payroll deductions described in ¶¶ 4-7, and ¶ 8.b. above may be directed to the Office of the General Counsel at 202-512-0036.

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Questions concerning the amount and duration of garnishments should be directed to the Chief, the Payroll Section at 202-512-0741.

Note. Employees are specifically advised that the OGC, the Office of Finance, and Payroll cannot represent the employee's interests in dealing with a judgment creditor, an issuing court, or a state or local issuing authority. The OGC also cannot provide legal advice on such matters.

10. **Effective Date.** This Directive is effective immediately upon issuance.

A handwritten signature in black ink that reads "Davita Vance-Cooks". The signature is written in a cursive, flowing style.

DAVITA VANCE-COOKS
Director
Government Publishing Office