

**Forest Service Handbook
National Headquarters - Washington Office
Washington, DC**

**Forest Service Handbook 6109.11 – Pay Administration, Attendance and Leave Handbook
Chapter 10 - Pay Administration**

Amendment: 6109.11-1993-3

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Duration: This amendment is effective until superseded or removed.

Approved by: Jack Ward Thomas, Chief

Date approved:

Responsible Staff:

Last Change: Amendment 6109.11-93-2 to 6109.11,10 Contents

Superseded Document(s): Amendment 6109.11-92-1 to 6109.11,16-18

Digest: Following is an explanation of the changes throughout the directive by section.

16: Makes minor editorial and format changes and revises the numbers of several forms cited in this chapter. Otherwise makes no substantive changes to direction in this chapter, except for the direction on garnishment of wages for child support and/or alimony in section 16.3 to 16.39a. Reorganizes, recodes, and extensively revises direction on the garnishment of wages for child support and/or alimony. Major changes include:

16.1: Changes reference to Form FS-6100-11, Time and Attendance Record, and removes reference to obsolete Form AD-319.

16.31: Revises the authorities for garnishment.

16.32: Adds references from the National Finance Center (NFC) that contain direction on processing payroll actions (External Procedures, Title I: Payroll/Personnel Processing Manual, Chapter 8, and Title VI: Systems Access Manual, Chapter 3).

16.33: Extends the authority of line officers to garnish employee's wages for child support and/or alimony down to the Forest Supervisor (this authority formerly was reserved to the Chief's level). Gives responsibilities of the Personnel Officer at the servicing personnel office.

16.34 - 16.34b: Clarifies direction on coordination with the Office of General Counsel, the designated agent for the Department of Agriculture to accept service of legal process for garnishment orders. The General Counsel first determines whether to honor such orders before the agency can process the necessary payroll actions.

16.35: Provides overall direction on processing garnishment cases.

16.36 - 16.36c: Adds direction on required notification to the affected employee and the court or ordering authority. Provides direction on responding to interrogatories.

16.37 - 16.37c: Revises direction on determining compensation subject to garnishment.

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16 - Allotments and Assignments of Pay

Process salary offsets for indebtedness, garnishments, and waivers of overpayments in accordance with the direction in section 16.1 - 16.38.

16.1 - Indebtedness to the Government

Employee indebtedness to the Government may be liquidated by

1. Cash payment,
2. Deduction from regular salary and lump-sum payments,
3. Deductions from final salary and lump-sum payments,
4. Setoff from other amounts due the employee, or
5. Waiver by the employing office.

Before submitting a separated employee's final Form FS-6100-11, Time and Attendance Record, or Form AD-581, Lump-Sum Leave or Compensatory Time Payments, for processing, determine whether the employee is indebted to the United States. Any such indebtedness must be deducted from the employee's final salary or lump-sum payment. For detailed procedures, refer to the National Finance Center, External Procedures, Title I: Payroll/Personnel Processing Manual.

The employee's consent is not needed for indebtedness arising from erroneous payments, fund advances, liens for Federal taxes, and formal disallowances issued by the General Accounting Office (GAO) against a certifying or disbursing office. In addition, deduction from final salary and lump-sum payments, or offset proceedings from other amounts due, may be made without an employee's consent.

16.2 - Debt Collection Through Salary Offset

Employees may repay indebtedness to the United States through installment payments.

The law (5 U.S.C. 5514 as amended by Public Law 97-365) prescribes revised standards for determining the amount that may be deducted from employee's pay and requires that the employee receive due process of law.

16.21 - Minor Payroll Adjustments

One time adjustments of less than \$100 (or 15 percent of disposable pay whichever is the lesser amount) do not require full due process procedures. When such an amount is identified, the

National Finance Center (NFC) may deduct the amount from an employee's pay without the full due process procedures covered in Public Law 97-365. When the NFC identifies such amounts as an overpayment, the NFC provides the employee and employing office with an advance notice of the amount to be deducted and the pay period in which the deduction will occur. The employee's earnings statement also indicates the deduction. The earnings statement notification does not constitute an advance notice to the employee because the employee receives the statement after the deduction has occurred.

16.22 - Overpayments of \$100 or More

Overpayments of \$100 or more are covered by the due process procedures of Public Law 97-365. The procedures in sections 16.22a-b apply.

16.22a - Notify Employee

The Chief or those with delegated authority or the National Finance Center (NFC) shall provide the employee with:

1. A minimum of thirty (30) days written notice, informing the employee of the nature and amount of the indebtedness, the intention to initiate proceedings to collect the debt and related interest through salary offset, and an explanation of the rights of the individual as listed in paragraphs 2 and 4 below.
2. An opportunity to inspect and copy Government records relating to the debt.
3. An opportunity to enter into a written agreement to establish a schedule for the repayment of the debt.
4. An opportunity for a hearing on the determination that a debt exists, the amount of the debt, and the terms of the repayment schedule.
5. For those overpayments of \$100 or more where the NFC has determined the amount, the NFC also notifies the employing office of its proposal to collect the overpayment. The NFC begins the collection process after the 30-day notification period has ended unless notified by the employee or by the employing office of a request for exercise of due process rights or unless the employing office has other reasons to request a delay in the collecting process.

16.22b - Employee Hearing

Employees who wish to have the question of indebtedness reviewed further shall notify their employing offices within 15 days of the receipt of a notice of indebtedness. Use the Department's hearing procedures. When an employee requests such a hearing on an NFC

initiated collection (covered in sec. 16.22a), the employing office must notify NFC to stop the collection process until there has been a decision on the issue.

For debts owed the federal government arising outside the Department of Agriculture, the agency to which the employee owes the debt determines hearing proceedings.

16.23 - Deduction Percentage

Upon establishment of an agency-approved repayment plan, deduct an amount equal to no less than 15 percent of disposable pay from the employee's pay. Upon written consent of the employee, the amount deducted from pay may exceed 15 percent.

16.24 - Waiver of Minimum Deduction

A waiver based on extreme hardship to the employee may be granted at the Deputy Regional Forester and Assistant Station Director levels. The waiver of minimum deduction decreases installment payments to less than 15 percent of disposable pay. Employees shall specify in their waiver requests how and why a deduction of 15 percent would create a hardship for them, and the amount of pay they can afford to have deducted.

16.25 - Documentation

Employees must receive documentary evidence concerning all debts, regardless of the amount of the debt. This usually takes the form of a statement prepared by either the National Finance Center (NFC) (if the center discovers the error) or by the individual's employing agency (if the agency discovers the error) and includes information concerning the circumstances of the debt and amount due. For minor payroll adjustments, the employee's copy of Form AD-343, Payroll Action Request, or corrected Time and Attendance Report suffices provided that the report contains sufficient information to adequately explain the circumstances surrounding the debt.

16.26 - Waiver of Indebtedness

See FSM 6104 for delegations of authority for waivers of overpayments. An employee shall receive notification of a waiver even if agency officials, acting on behalf of the employee, waive the debt without informing the employee of its existence.

16.27 - Intra-Departmental Transfer

When an employee who is indebted to one agency in the Department transfers to another agency within the Department, forward a copy of the plan for liquidation to the gaining employing agency.

16.28 - Processing Procedures

The National Finance Center (NFC) issues procedural and processing instructions necessary to carry out the provisions of debt collection.

16.3 - Garnishment of Wages for Child Support and/or Alimony

This section provides direction to servicing personnel offices on processing orders for garnishment of an employee's wages for child support and/or alimony. For agencies in the Department of Agriculture, the General Counsel first determines whether or not to honor such garnishment orders (legal process) before the servicing personnel office may begin processing the orders. (See section 16.34 for direction on coordination with the Office of General Counsel (OGC), and sections 16.35 to 16.39 for direction on processing orders following OGC's determination.)

Exhibit 01 summarizes the steps involved in processing garnishment orders.

16.3 - Exhibit 01

Steps Involved in Processing Garnishment Orders

<u>Responsible Office</u> (sec. 16.33 - 16.34)	<u>Action</u>
	A. <u>Legal Process</u>
1. Issuing authority (State court of competent jurisdiction or an authorized official of a State agency)	a. Issue legal process for enforcement of child support and/or alimony b. Serve process on USDA agent authorized to receive process: Office of General Counsel (OGC)
2. Servicing Personnel Office (sec. 16.34a)	a. Receive process from issuing authority b. Transmit process to OGC with completed Form FS-6100-3
3. Office of General Counsel (sec. 16.34b)	a. Receive process (15-day employee notification period begins) b. Review for legal adequacy c. Provide instructions for processing d. Return to servicing personnel office
4. Servicing Personnel Office (sec. 16.35 - 16.39a)	a. Receive process b. Review process and OGC instructions for processing c. Prepare Form AD-747 and notification letters to employee and issuing authority d. Enter Form AD-747 data into PRES

16.3 - Exhibit 01--continued

Steps Involved in Processing Garnishment Orders

Responsible Office (sec. 16.33 - 16.34)

Action

e. Send notification letters with copy of
Form AD-747

f. Maintain case files

16.3 - Exhibit 01--Continued

Steps Involved in Processing Garnishment Orders

<u>Responsible Office</u>	<u>Action</u>
	(See A. <u>Legal Process</u>)
	B. <u>New Cases</u>
1. Servicing Personnel Office	a. Receive process from OGC
	b. Assign a case number
	c. Complete actions A.4.b through A.4.f
	C. <u>Changes (Court Ordered)</u>
	(See A. <u>Legal Process</u>)
1. Servicing Personnel Office	a. Receive process from OGC
	b. Review order for changes to current order
	c. Complete actions A.4.b through A.4.f
	D. <u>Changes (Employee Status)</u>
1. Servicing Personnel Office	a. Notify issuing authority of LWOP, INT, Full-time, Part-time, and so on.
	E. <u>Cancellation (Court Ordered)</u>
	(See A. <u>Legal Process</u>)
1. Servicing Personnel Office	a. Receive process from OGC
	b. Complete actions A.4.b through A.4.e
	c. Close case file

16.3 - Exhibit 01--Continued

Steps Involved in Processing Garnishment Orders

Responsible Office

Action

- | | |
|-------------------------------|--|
| | F. <u>Termination (Employee status)</u> |
| 1. Servicing Personnel Office | a. Prepare AD-747 |
| | b. Complete actions A.4.c through A.4.e |
| | c. If not to be rehired--close file. Provide new employer's address to issuing authority |
| | d. If retired, provide OPM address to issuing authority |
| | e. Maintain Case file for rehire |

16.31 - Authority

1. Title 42, United States Code, section 659 (42 U.S.C. 659) authorizes garnishment or attachment of a Federal employee's wages for the purpose of satisfying a debt for child support and/or alimony. Court costs, attorney fees, and interest can also be withheld when specifically included as a part of (rather than in addition to) the alimony or child support order, decree, or judgment.

2. Implementing regulations for 42 U.S.C. 659 are in Title 5, Code of Federal Regulations, Part 581 (5 CFR Part 581). Appendix A to 5 CFR 581 lists the designated agents to accept service of legal process for garnishment in Executive Branch Departments and agencies; the General Counsel is the designated agent for the Department of Agriculture. Further direction is in chapter 581 of the Federal Personnel Manual and Department Personnel Manual (FSH 6109.41 - FPM/DPM 581).

16.32 - References

Comply with the procedures in the following Manuals in processing forms associated with garnishment actions through the National Finance Center (NFC):

1. USDA, National Finance Center. External Procedures, Title I: Payroll/Personnel Processing Manual, Chapter 8, Voluntary and Mandatory Deductions.

2. USDA, National Finance Center. External Procedures, Title VI: Systems Access Manual, Chapter 3, Remote Entry Systems, Section 1, PACT/PRES.

For further direction on NFC systems and procedures and the availability of these NFC Manuals see FSM 6107 and 6108.

16.33 - Responsibility

1. Line officers down to the level of Regional Foresters, Station Directors, Area Director, and Institute Director have authority to garnish employees' wages for child support and/or alimony (FSM 6104.1, ex. 01). This authority may be redelegated to Forest Supervisors, but not to Project Leaders.

2. Personnel Officers at the affected employees' servicing personnel offices are responsible for processing these actions, including coordinating with the Office of General Counsel (sec. 16.34); providing the required information and notification (sec. 16.35 and 16.36); determining the income subject to garnishment, and completing and submitting the necessary forms (sec. 16.37 and 16.38); and maintaining case files (sec. 16.39).

16.34 - Coordination with the Office of General Counsel

The General Counsel is the designated agent for the Department of Agriculture to accept service of legal process for garnishment for child support and/or alimony (5 CFR 581, Appendix A; sec. 16.31). Legal process does not begin until the Office of General Counsel (OGC) is served all documents related to a garnishment order; the date that OGC receives such legal documents is the beginning date of receipt of legal process.

After the General Counsel determines whether to honor such garnishment orders (legal process), the personnel officer at the servicing personnel office can begin processing the necessary payroll actions to comply with the orders (sec. 16.35 to 16.38).

Ensure that garnishment orders sent directly to an employee's servicing personnel office or employing office (instead of OGC) are transmitted promptly to OGC (sec. 16.34a).

16.34a - Transmitting Garnishment Orders and Related Information to the Office of General Counsel

1. Personnel Officers at the servicing personnel office shall complete Form FS-6100-3, Transmittal of Garnishment Orders to USDA Office of General Counsel, and transmit the form to OGC with the garnishment orders. A sample of the completed form, which provides information on the employee and the servicing personnel office, is in exhibit 01. This form is available electronically.

2. Send the garnishment orders and the completed Form FS-6100-3 by certified mail, return receipt requested, to:

Office of General Counsel
Department of Agriculture
14th & Independence Ave., S.W., Room 2321-S
Washington, DC 20250

3. Include any legal document which initiates, modifies, or cancels a garnishment deduction. If multiple orders are received against the same employee, or if notice is received that an order is being appealed, transmit to OGC any new documents, along with a copy of any prior OGC-approved orders.

4. Provide a completed mailing label with the address of the servicing personnel office to facilitate turnaround time when OGC returns the documents and further instructions.

16.34a - Exhibit 01

Sample of Completed Form Transmitting Garnishment Orders
to the Office of General Counsel

USDA - Forest Service

FS-6100-3 (9/93)

TRANSMITTAL OF GARNISHMENT ORDERS TO USDA OFFICE OF GENERAL COUNSEL

(Refer to FSH 6109.11, chapter 10)

1. Employee Information

- a. Name: Davis, John R.
- b. Social Security number: 987-65-4321
- c. Position title, series, grade: Forestry Technician, GS-462-4
- d. Gross salary: \$7.85 PH (\$628.00 per 80 hour pay period)
- e. Itemized deductions:
- | | |
|---------------|---|
| <u>0</u> | Debts owed U.S. Government |
| <u>48.23</u> | Mandatory retirement deductions (CSRS, FERS, FICA) |
| <u>0</u> | Thrift Savings Fund (not including amounts deducted for supplemental coverage for CSRS employees) |
| <u>9.14</u> | Health insurance (Medicare, HITS) |
| | FEHBA premiums |
| | FEGLI premiums |
| <u>87.66</u> | Federal tax |
| <u>35.20</u> | State, local tax |
| | Allowances (5 CFR 581.104) |
| <u>447.77</u> | Disposable earnings subject to garnishment |
- f. Employee's home mailing address: 324 W. Davis Boulevard, Apt. 101
Walla Walla, WA 99300
- g. Employee has a current garnishment for child support and/or alimony:
Yes X No

2. Servicing Personnel Office Information:

- a. Name and telephone number of person to contact:
Cindy Bones 503-278-0001
- b. Employing office address: USDA Forest Service
Umatilla National Forest
2517 S.W. Hailey Avenue
Pendleton, OR 97801

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16.34a - Exhibit 01 -- Continued

Sample of Completed Form Transmitting Garnishment Orders
to the Office of General Counsel

- c. Employee office number: 5131
- d. Mailing label attached for return of court-ordered process:
X Yes No
- e. Form Completed by: Cindy Bones Date: 9/22/93

**Mail this form, return address mailing label, and garnishment orders
by certified mail, return receipt requested to:**

Office of General Counsel
Department of Agriculture
14th & Independence Avenue, S.W., Room 2321-S
Washington, DC 20250

16.34b - Office of General Counsel Determination To Honor Garnishment Order

After reviewing the garnishment order, along with information supplied by the employee's servicing personnel office on Form FS-6100-3, OGC returns the documentation with instructions for processing. See sections 16.35 to 16.39 for procedures in garnishment cases.

16.35 - Procedures for Garnishment Cases

Upon receipt of the garnishment order and instructions from OGC, the Personnel Officer at the affected employee's servicing personnel office ensures that the appropriate actions are taken, as follows:

1. If OGC advises that the order cannot be honored, return the order to the court or other ordering authority with a letter of notification (a sample is in ex. 01, sec. 16.36b) containing OGC's explanation of why the order cannot be honored and providing other information as instructed by OGC. Notify the employee by providing a copy of the ordering authority's letter of notification.
2. If OGC advises that the order shall be honored and to proceed with processing the case:
 - a. Review the court order carefully for information such as the court case number and the amount and sequence of deductions (such as \$100 weekly, biweekly, or monthly, or a percentage of weekly, biweekly, or monthly earnings); maximum garnishment limitation; person and address where deduction is to be sent; and any other instruction provided by the ordering authority and OGC.
 - b. Determine the compensation subject to garnishment (sec. 16.37);
 - c. Complete Form AD-747, Court-Ordered Child Care or Alimony Deductions, and submit this form through NFC's Payroll/Personnel Remote Entry System (PRES) program; for situations that require special processing and/or additional forms, see the direction in sections 16.38a to 16.38d;
 - d. Notify the employee by letter about the order (sec. 16.36a) and include a copy of the completed Form AD-747;
 - e. Notify the court or other ordering authority by sending to the employee copies of the letter and the completed Form AD-747 (sec. 16.36b); and
 - f. Establish a separate case file for every garnishment order (sec. 16.39); for example, if one employee has several garnishment orders, there would be a separate case file for each order.

16.36 - Notification and Requests for Information

Sections 16.36a to 16.36c provide direction on the minimum requirements for notification that the Personnel Officer at the servicing personnel office must prepare. Make every effort to comply with the time limits specified for the various types of notification.

16.36a - Notification to the Employee

As soon as possible upon receipt of legal process from OGC, but not later than 15 calendar days after OGC receives the legal process, notify the affected employee by certified mail, return receipt requested, that an order to withhold compensation has been received. Mail the letter and enclosures to the employee's home address, but if reasonable attempts at home delivery fail, mail the letter to the duty station address. File the return receipt requested notices in the case file when they are returned by the Postal Service office.

Notification to the employee includes:

1. A letter (a sample of a standard letter is in ex. 01):
 - a. Explaining the receipt of the garnishment;
 - b. Notifying the employee that the United States will not represent the interests of the employee in any pending legal process; and
 - c. Explaining that the garnishment will be processed, changed, or cancelled as indicated on the Form AD-747;
2. A copy of the legal order; and
3. A copy of the completed Form AD-747, Court-Ordered Child Care or Alimony Deductions, showing the amount and effective date that garnishment withholdings are to begin.

16.36a - Exhibit 01

Sample Form Letter Notifying Employees about Garnishment

FOR OFFICIAL USE ONLY

United States	Forest	Umatilla	2517
S.W. Hailey Ave.			
Department of	Service	National	Pendleton, OR
97801			
Agriculture		Forest	

Reply To: 6150-3-7

Date: September 22, 1993

CERTIFIED MAIL - RETURN
RECEIPT REQUESTED

Mr. John R. Davis
324 W. Davis Boulevard
Walla Walla, WA 99300

Dear **Mr. Davis:**

 X A garnishment has been served on the Department of Agriculture under Title 42, United States Code, section 659. We must advise you that the United States will not represent the interests of the employee in garnishment legal proceedings. The deduction from your pay will be processed as indicated on the enclosed copy of Form AD-747.

 Your garnishment deduction will change as indicated on the enclosed copy of Form AD-747.

 Your garnishment deduction will be cancelled as indicated on the enclosed copy of Form AD-747.

If you have any questions, please contact this office on (503) 276-0001.

Sincerely,

/s/ Jacqueline Smith

JACQUELINE SMITH
Personnel Officer

16.36a - Exhibit 01--continued

Enclosure

cc: **Department of Human Resources**
Support Services
P.O. Box 14506
Salem, OR 97309

FOR OFFICIAL USE ONLY

16.36b - Notification to the Court or Other Ordering Authority

1. When OGC advises that an order shall be honored and to proceed with processing the garnishment, notify the court or other ordering authority of receipt of legal process by sending a copy of the employee's notification letter (sec. 16.36a) and completed Form AD-747.

2. When OGC advises that an order cannot be honored, return the order to the court or other ordering authority with a letter containing OGC's explanation of why it cannot be honored (see ex. 01 for a sample letter).

3. Following are situations that require notification to the court or other ordering authority by a letter explaining the circumstances:

- a. No compensation is payable to the individual identified in the order.
- b. Compensation is temporarily exhausted or otherwise unavailable; indicate why and for how long the situation is expected to exist.
- c. Payments are being discontinued or being resumed.
- d. An employee is employed in the private sector; supply the name and address of the new employer if known.
- e. An employee's status changes (the employee retires, transfers to another Department within the Federal Government, begins receiving benefits under the Federal Employee's Compensation Act, or separates and requests a refund of retirement contributions); in such situations, provide the court or other authority with the designated agent for the new disbursing agency (designated agents are listed in 5 CFR 581, Appendix A, including the Office of Personnel Management address for retirees). Exhibit 02 shows a sample letter to the court or other ordering authority concerning changes in an employee's employment status.

Send a copy of the notification to the employee, along with a copy of Form AD-747, where applicable.

16.36b - Exhibit 01

Sample Letter Returning Garnishment Order
to Court or Other Ordering Authority

FOR OFFICIAL USE ONLY

United States Forest Service	Washington	14th & Independence SW	P.O. Box 96090
Department of Agriculture	Service	Office	Washington, DC 20090-6090

Reply To: 6150-3-7

Date: September 22, 1993

Department of Child Support Services
1400 Wilson Boulevard
Suite 301
Arlington, VA 22209

Subject: Janice Ode, CSS Account Number 5413219876

This is to notify you that we have received the Order to Withhold Earnings for subject Forest Service employee dated May 8, 1992. We have been advised by our Office of General Counsel that we cannot honor this Order because it is insufficient; the Order is unsigned and we must have a signed copy of the Order before the Department of Agriculture can honor this garnishment.

Please provide the Order and any enclosures as soon as possible to expedite this process. If you have any questions, please contact this office on (703) 235-8102.

Sincerely,

/s/ Michael E. Matthews

MICHAEL E. MATTHEWS
Chief, Classification and Pay Branch
Personnel Management Staff

Enclosure

16.36b - Exhibit 01--continued

cc: Ms. Janice Ode
400 Vermont Avenue
Washington, DC 20002

FOR OFFICIAL USE ONLY

16.36b - Exhibit 02

Sample of a Letter Notifying the Court or Other Ordering Authority
of a Change in an Employee's Status

FOR OFFICIAL USE ONLY

**United States
Department of
Agriculture**

**Forest
Service**

**Washington
Office**

**14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090**

Reply To: 6150-3-7

Date: September 21, 1993

Department of Child Support Services
1400 Wilson Boulevard
Suite 301
Arlington, VA 22209

Subject: Janice Ode, CSS Account Number 5413219876

This is to notify you of the change in employment status of subject Forest Service employee.

 X Garnishment deductions will terminate as indicated on the enclosed Form AD-747.

 Employee is on duty in an intermittent status which means that the employee may not work at all some pay periods, or sporadically on a full-time or part-time basis. Wages will be garnished when the employee works.

 Employee has been placed in a leave without pay status; garnishment will be processed when the employee returns to a pay status.

 Garnishment deductions will resume as indicated on the enclosed Form AD-747.

Sincerely,

/s/ Michael E. Matthews

MICHAEL E. MATTHEWS
Chief, Classification and Pay Branch
Personnel Management Staff

16.36b - Exhibit 02--continued

Enclosure

cc: Janice Ode

FOR OFFICIAL USE ONLY

16.36c - Interrogatories

Pursuant to 5 CFR 581.303, Federal agencies must respond to validly served legal processes or interrogatories concerning child support (these are compulsory requests for information issued by a judge or other party under authority of State or local law). For example, a State social service agency may send an interrogatory requesting data on an employee and the employee's salary.

If there is any question about whether or not to release information for this purpose, forward the request to OGC for guidance.

Complete interrogatories related to potential child support or alimony within 30 days; 5 CFR 293.311 permits release of six specific categories of information on employees:

1. Name;
2. Present and past position titles and occupational series;
3. Present and past grades;
4. Present and past annual salary rates (including performance awards or bonuses, incentive awards, merit pay amounts, Meritorious or Distinguished Executive Rank Awards, and allowances and differentials);
5. Present and past duty stations (including room numbers, shop designations, or other identifying information regarding buildings or places of employment); and
6. Position descriptions, identification of job elements, and those performance standards (but not actual performance appraisals) for which release would not interfere with law enforcement programs or severely inhibit agency effectiveness.

16.37 - Compensation Subject to Garnishment

16.37a - Amounts and Conditions on Compensation Subject to Garnishment

1. Normally, the total remuneration paid to employees is subject to garnishment. Refer to 5 CFR 581.103, which lists the types of compensation subject to court-ordered garnishment, including:

- a. Base pay,
- b. Overtime pay,
- c. Night, Sunday, and environmental differentials,

- d. Hazard pay,
- e. Lump sum payments for annual leave,
- f. Merit pay and incentive pay (except awards made for suggestions),
- g. Recruitment incentives,
- h. Continuation of pay entitlements,
- i. Severance pay, and
- j. Unpaid compensation owed a deceased employee.

2. Garnishment orders usually specify withholdings for child support and/or alimony in the form of:

- a. A total dollar amount to be deducted weekly, biweekly, or monthly from the employee's earnings; or
- b. A percentage of weekly, biweekly, or monthly earnings.

16.37b - Exclusions for Determining Disposable Earnings

To determine compensation subject to garnishment, calculate an employee's disposable earnings by subtracting the following amounts from gross earnings (5 CFR 581.105):

- 1. Deductions for debts owed the United States;
- 2. Mandatory retirement deductions (Civil Service Retirement System (CSRS), Federal Employees Retirement System (FERS), or Social Security coverage (FICA));
- 3. Health insurance taxes, including Hospital Insurance Tax (HIT);
- 4. Federal, State, or local tax deductions;
- 5. Federal Employees Health Benefits (FEHBA) premiums;
- 6. Federal Employees Group Life Insurance (FEGLI) basic life insurance premiums;
- 7. Thrift Savings Fund contributions, not including amounts deducted for supplemental coverage for CSRS employees; and
- 8. Allowances listed under 5 CFR 581.104.

16.37c - Maximum Amount of Disposable Earnings That May Be Garnished

The maximum disposable earnings of an employee that may be garnished each pay period are:

1. Fifty percent if the employee is supporting a spouse or dependent child (other than a child with respect to whose support the order is issued).
2. Sixty percent if the employee is not supporting a spouse or dependent child as described in paragraph 1.

An additional 5 percent may be added to percentages cited in paragraphs 1 and 2 if the order covers a period more than 12 weeks prior to the first pay period subject to garnishment.

16.38 - Payroll Actions for Garnishment

For any new garnishment, change in deduction, change in any payroll information on a current garnishment, or cancellation due to separation, retirement, or transfer out of the Department, complete Form AD-747, Court-ordered Child Care or Alimony Deductions. This form is available electronically. The appropriate unit head or employment officer authorizes payment of garnishment of wages for child support and/or alimony by signing this form.

1. National Finance Center Processing. The National Finance Center processes garnishments in the same manner as other payroll actions, through the Payroll/Personnel Remote Entry System (PRES) Program DP 195. In addition to completing Form AD-747, use the PRES program to enter mandatory or voluntary child care and/or alimony deductions.
2. Instructions for Completing Form AD-747. (A sample of a completed Form AD-747 is in exhibit 01.)
 - a. NFC Instructions. Instructions for completing Form AD-747 are in the NFC Title I: Payroll/Personnel Processing Manual, Chapter 8, Section 12; the NFC Bulletin 92-7 in that chapter and section provides guidance for using the PRES system. (For further information on the NFC manual, see section 16.31 and FSM 6107 and 6108.)
 - b. Maximum Percentage of Disposable Earnings To Be Garnished. In block 12, Remarks, include information on the maximum percentage of the disposable net earnings allowable for garnishment by law (see ex. 01 for a sample).
 - c. Copies and Case Files. Provide a copy of Form AD-747 to the employee (sec. 16.36a) and the court or other ordering authority (sec. 16.36b). File a copy of the completed form in the case file. Send a copy of the completed Form AD-747 to NFC, with a copy of the court order, only when manual processing is required (section 16.38d).

- d. Special Processing. Sections 16.38a through 16.38d provide direction on situations that require special processing.

Chapter 10 - Pay Administration

Amendment: 6109.11-1993-3

Effective date: December 01, 1993

16.38 - Exhibit 01

Sample of a Completed Form AD-747

FORM AD-747 (Rev. 12/82)

COURT-ORDERED CHILD CARE OR ALIMONY DEDUCTIONS

1. AGENCY CODE 11	2. EMPLOYING OFFICE 5116	3. CASE NUMBER 1234	4. SOCIAL SECURITY NUMBER 987-65-4321	5. TRANSACTION CODE 1=ADD 2=CHANGE 2 3=CANCEL	
6. EMPLOYEE NAME (LAST, FIRST, MIDDLE INITIAL) Ellis, David B.				7. DUTY STATION Prineville, OR	
8. EMPLOYEE NOTIFICATION (Check One) EMPLOYEE NOTIFIED IN PERSON OR BY CERTIFIED MAIL WITHIN 15 DAYS OF <input type="checkbox"/> RECEIPT OF COURT ORDER. <input checked="" type="checkbox"/> EMPLOYEE NOTIFIED IN PERSON OR BY CERTIFIED MAIL OF ANY CHANGES.					
9. REDUCTIONS You are hereby directed to deduct the following in accordance with a court order on file in this office effective 10/1/93			9. PAY PERIOD 13	YEAR 1993	
A Court ordered pay period deduction. (1) Dollar amount (\$75/mo x 12 = \$900 div. by 26)			9A(1) \$	34.	62
(2) Percentage of applicable earnings			9A(2)	%	
(3) Not to exceed dollar amount per pay period			9A(3) \$		
B Court cost (1) Total amount			9B(1) \$	00.	00
(2) Amount collectable per pay period			9B(2) \$		
C Arrears (1) Total amount			9C(1) \$	00.	00
(2) Amount collectable per pay period			9C(2) \$		
(3) Percentage of applicable earnings per pay period			9C(3)	%	
(4) Not to exceed dollar amount per pay period			9C(4) \$		
10. NAME AND ADDRESS OF COURT OFFICIAL OR RECIPIENT OF DEDUCTION					
NAME Department of Human Resources					
1ST LINE ADDRESS Support Services					
2ND LINE ADDRESS P.O. Box 14506					
CITY Salem	STATE OR	ZIP CODE 97309	11. EMPLOYEE CASE NUMBER ASSIGNED BY COURT (To Appear On Check) 028-8117180-30		
12. REMARKS MAXIMUM % OF DISPOSAL NET EARNINGS ALLOWED BY LAW <u> X </u> 50% <u> </u> 55% <u> </u> 60% <u> </u> 65% Change from 25% of employee's net disposable pay toward current child support and child support arrearages to \$75 per month toward current child support with no child support arrearages.					
13. AUTHORIZATION					
SIGNATURE OF AUTHORIZED OFFICIAL /s/ Michael E. Matthews		TITLE Chief, Classification and Pay Branch		DATE 7-15-93	

NOTE: Request must be received at the National Finance Center no later than Monday of the week in which the pay period follows in order to be effective for a particular pay period. Later receipts will be processed the following pay period.