

Garnishments

Income Execution Process
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Topics

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- Support Orders
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Examples of Income Executions

- Child Support/Spousal Support/Arrears (10)
- Chapter 13 Bankruptcy (20)
- Social Security “AWG” (Admin Wage Garn) (30)
- Federal Levy (40)
- Federal (50) & State Student Loans (60)
- NYS Tax Levy (70)
- Creditor Garnishments issued from a Sheriff, Marshal or Constable (80)
- Wage Assignments (90)



Income Execution Process

- The Serving Officer sends the Income Execution Order to OSC
- OSC enters the garnishment information into PayServ
- Control-D reports are created
 - NBEN744 Employee Report of Child Support, Bankruptcy, Creditor Garnishment and Federal Levies



Disposable Earnings

Disposable Earnings is the amount of pay remaining in the employee's paycheck after legally required deductions:

- Federal & State Tax
- Retirement Contributions

*Note: The legally required deductions may be different for different types of garnishments.



Support Orders

NYS Civil Practice Law and Rules describes Disposable Earnings in this case as Earnings minus taxes and retirement.

Max Allowable Deduction for Support Orders Varies:

- 1 Child Support/No Arrears – 60% of disposable earnings
- 1 Child Support/Arrears/less than 12 weeks – 60% disposable earnings
- 1 Child Support/Arrears/greater than 12 weeks – 65% disposable earnings
- 2+ Child Support/No Arrears – 50% of disposable earnings
- 2+ Child Support/Arrears/less than 12 weeks – 50% of disposable earnings
- 2+ Child Supports/Arrears/greater than 12 weeks – 55% disposable earnings



Maximum Deduction Allowed

Regular Garnishments, i.e. Sheriff, Marshal or Constable

- 10% of gross or the “gen de” rule (whichever benefits employee when a child support is active)

Student Loans

- 15% of disposable earnings. Only the first of these garnishment types to be filed will receive 15%; the other will get the remaining 10% (cannot exceed 25%).

NYS Tax Levies

- 10% of gross



Chapter 13 Bankruptcy

These orders are received from a Trustee with a requested flat amount to be deducted. If the employee earnings are not enough to cover the full requested amount, PayServ will take whatever is available from the paycheck.

OSC does not accept Chapter 7 or Chapter 11 Bankruptcy orders.



Federal Levies

Full Federal Levy

- When OSC receives a Full Federal Levy on an employee, an informational packet is mailed to the employee at the home address listed in PayServ.
- These levies are held for 14 days after the packet is mailed to allow the employee time to respond.
- The employee can choose to make payment arrangements directly with the IRS OR submit the enclosed exemption claim form back to OSC. If no modification is received from IRS, the full levy is entered.



Federal Levies Continued

Partial Federal Levy

- These are received on IRS 668-D forms with no exemption and have a flat amount to be deducted
- OSC does not accept voluntary IRS forms 3676 and 2159



Garnishment Facts

OSC does **NOT** know when a garnishment will stop

OSC does **NOT** accept voluntary garnishments

OSC will **NOT** complete a garnishment without a release from the serving officer



Reports

The following Control-D report is available on Mondays for agency file and employee notification:

- NBEN744 Employee Report of Child Support, Bankruptcy, Creditor Garnishments and Federal Levies, Child Support/Chapter 13 Bankruptcy
- Please note that this report ONLY reflects NEW orders and that the Judgement Amount listed is Principal only, which does NOT include interest, poundage or filing fees. Employees are encouraged to contact the serving officer for balances.



Garnishment Questions

Agency payroll officers and/or employees can contact OSC Garnishment Customer Service at (518) 474-4042.

Hours of operation:

Monday, Thursday and Friday 8:00am-2:00pm

Tuesday and Wednesday 1:00pm-3:00pm

Email: payrolldeduction@osc.ny.gov

Fax: (518) 486-7901

Mail: OSC Garnishments, PO Box 10128 Albany, NY 12201

