

# Guide to Judiciary Policy

Vol 20: Administrative Claims and Litigation

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**§ 510 Overview**

**§ 510.10 Authority for Regulations**

These regulations are issued by the Director of the Administrative Office of the United States Courts (AO) at the direction of the Chief Justice of the United States under authority of section 459 of the Social Security Act (42 U.S.C. § 659) and 5 U.S.C. § 5520a.

**§ 510.20 Statutory Authority for Garnishment**

Under the statutes in this subsection, the federal government is subject to legal process in like manner and to the same extent as a private person.

**§ 510.20.10 Alimony and Child Support**

Section 459 of the Social Security Act (42 U.S.C. § 659) permits pay and retirement annuities paid by the federal government to be garnished through state or foreign legal process for the purpose of satisfying an obligation of an employee to pay alimony or child support.

**§ 510.20.20 Garnishments Other than Alimony and Child Support**

Under 5 U.S.C. § 5520a, the pay of a federal employee may be garnished for any debt other than alimony or child support through legal process issued by an appropriate authority within any state, territory or possession of the United States. Garnishments for alimony or child support under 42 U.S.C. § 659 take priority over garnishments permitted by 5 U.S.C. § 5520a, which are mainly commercial and state tax debts.

## **§ 510.30 Other Federal Statutes Affecting Garnishments**

### **§ 510.30.10 Consumer Credit Protection Act**

Section 303 of the Consumer Credit Protection Act (15 U.S.C. § 1673) sets limits on the amount of an employee's pay that is subject to garnishment for debts other than bankruptcy and taxes. Sections 305 and 307 (15 U.S.C. §§ 1675, 1677) make state garnishment restrictions applicable when they are narrower than those provided in section 303.

### **§ 510.30.20 Bankruptcy Code**

The Bankruptcy Code requires all entities to cease the collection of certain pre-petition debts from any person upon receiving notice that the person has filed a bankruptcy petition. 11 U.S.C. § 362(a). The Bankruptcy Code also authorizes the bankruptcy court to order any entity from whom a Chapter 13 bankruptcy debtor receives income to pay all or any part of the income to the bankruptcy trustee. 11 U.S.C. § 1325(c).

## **§ 510.40 Scope**

These regulations specify the procedures for garnishment of the pay of any officer or employee who receives or is due to receive pay from the AO, and became effective February 3, 1994. The regulations also provide for the handling of bankruptcy payment orders, stay of collections under the Bankruptcy Code, and United States Internal Revenue Service (IRS) levies concurrently with garnishments.

## **§ 515 Definitions**

As used in these regulations:

- (a) "Administrative Office" or "the AO"

The Administrative Office of the United States Courts or an appropriate office or official of the Administrative Office.

- (b) Alimony

Periodic payments of funds for the support and maintenance of the spouse (or former spouse) of an employee. In accordance with state law, alimony includes but is not limited to, separate maintenance, alimony pendente lite, maintenance and spousal support. Alimony also includes attorney's fees, interest, and court costs to the extent that those are expressly made recoverable as such in a decree, order, or judgment

issued in accordance with applicable state law by a court of competent jurisdiction. Alimony does not include any payment or transfer of property or its value by an employee to a spouse or former spouse in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses or former spouses.

(c) Appropriate Authority

A court, agency, official or person authorized by federal, state or local law to take an action with respect to a legal process.

(d) Bankruptcy Court

A court having jurisdiction of cases under the Bankruptcy Code (title 11 of the United States Code.)

(e) Bankruptcy Payment Order

An order of a bankruptcy court that directs the AO to withhold all or part of an employee's pay or pay it to any person other than the employee.

(f) Child Support

Periodic payments of funds for the support and maintenance of a child or children that an employee has a legal obligation to pay. The scope of child support is determined by state law and includes but is not limited to, payments to provide for health care, education, recreation, clothing, or to meet other specific needs of a child or children. Child support also includes attorney's fees, interest, and court costs, to the extent those are expressly made recoverable as such in a decree, order, or judgment issued in accordance with state law by a court of competent jurisdiction.

(g) Designated Agent

The official or person identified in § 525 of these regulations to accept service of legal process.

(h) "Employee," or "Officer or Employee"

An officer or employee as defined in 5 U.S.C. § 2104 and § 2105, or a former officer or employee.

(l) Garnishment

Any legal or equitable procedure through which an employee's pay is required to be withheld for the payment of any debt, and includes any judicial or administrative procedure in the nature of garnishment.

(j) Interrogatories

Any written request authorized by law for written responses to questions relevant to a garnishment.

(k) IRS Levy

A levy by the United States Internal Revenue Service (IRS) for the payment of a tax debt.

(l) Issuing Authority

The court, agency or official that issued a legal process, IRS levy or bankruptcy payment order.

(m) Judiciary

Any court or agency in the judicial branch of the United States government for which the AO disburses pay of employees, including the courts listed in 28 U.S.C. § 610, the Administrative Office, the Federal Judicial Center, the United States Sentencing Commission, and the Judicial Panel on Multidistrict Litigation.

(n) "Legal Process" or "Process"

Any writ, order, summons, or other similar process in the nature of garnishment that:

(1) Is issued by a court of competent jurisdiction within any state, territory, or possession of the United States, or by an appropriate authority under order of such a court or under state or local law, and directs the AO to withhold money from the pay of an employee and pay it to another person in satisfaction of a specifically described legal debt of the employee other than alimony or child support.

(2) Is issued by a court of competent jurisdiction within any state, territory, or possession of the United States, or by an appropriate

authority under order of such a court or under state or local law, or by a court of competent jurisdiction in any foreign country with which the United States has entered into an agreement which requires the United States to honor such process, and directs the AO to withhold money from the pay of an employee and pay it to another person in satisfaction of a legal obligation of the employee to provide child support or make alimony payments.

(o) “Pay Available for Garnishment” or “Pay Available”

Pay subject to garnishment that is not being paid in satisfaction of a legal process of greater priority.

(p) Pay Subject to Garnishment

(1) For debts other than alimony or child support (5 U.S.C. § 5520a), any money due or payable from the AO to an employee that consists of: basic pay, premium pay, annual leave lump sum payments, payments to a missing employee, moneys due a deceased employee, severance and back pay, sick pay, incentive pay, and any other compensation paid or payable for personal services, whether the compensation is denominated as wages, salary, commission, bonus pay or otherwise.

(2) For alimony or child support debts (42 U.S.C. § 659), any money due or payable from the AO to an employee that consists of:

(A) Compensation paid or payable for personal services of the employee, whether the compensation is denominated as wages, salary, commission, bonus, pay, or otherwise, and includes but is not limited to, severance pay, sick pay, and incentive pay, or

(B) Periodic benefits, including a periodic benefit as defined in 42 U.S.C. § 428(h)(3), or other payments to the employee under the Federal Old-Age, Survivors and Disability Insurance system or any other system or fund established by the United States, as defined in 42 U.S.C. chapter 7, subchapter II that provides for the payment of pensions, retirement or retired pay, annuities, dependents' or survivors' benefits, or similar amounts payable on account of personal services performed by the employee or any compensation for death under any federal program.

- (3) For all garnishments, moneys that are **not**:
  - (A) Owed by the employee to the United States;
  - (B) Required by law to be and actually deducted from the moneys due from or payable by the United States, including but not limited to federal employment taxes, and fines and forfeitures ordered by court-martial;
  - (C) Properly withheld for federal, state or local income tax purposes, if the withholding of the amounts is authorized or required by law and if the amounts withheld are not greater than would be the case if the employee claimed all dependents to which he or she is entitled or are additional amounts withheld under 26 U.S.C. §3402(I) in recognition of a tax obligation;
  - (D) Deducted as health insurance premiums;
  - (E) Deducted as normal retirement contributions (not including an employee's Thrift Savings Plan contributions or other amounts deducted for supplementary coverage);
  - (F) Deducted as normal life insurance premiums from salary or other remuneration for employment (not including amounts deducted for supplementary coverage);
  - (G) Awards for making suggestions; or
  - (H) Reimbursement or other payments to an employee to defray travel, subsistence or other expenses incurred by the employee incident to the performance of official duties.
- (q) Money "Required by Law to be Deducted " or "Required by Law to be Withheld"

When determining pay subject to or available for garnishment, does **not** include money withheld in satisfaction of a legal process or bankruptcy payment order, voluntary payroll deductions, or the fee charged by the AO under these regulations.



## **§ 520 Honoring Legal Process**

### **§ 520.10 Agency Consent**

The Director of the AO consents to honor legal process for garnishment of the pay of officers and employees of the judiciary in accordance with these regulations.

### **§ 520.20 Reasons for Not Honoring Process**

The AO will not honor legal process if:

- (a) The process is not served in accordance with these regulations.
- (b) The process does not conform on its face to the laws of the jurisdiction from which it was issued.
- (c) The process seeks to garnish funds that the AO has determined are not pay subject to garnishment as defined in these regulations, or are not payable by the AO.

### **§ 520.30 Notice to Issuing Authority**

When the AO decides that it cannot honor a legal process, the AO will return the process to the issuing authority and give notice of the reason for the decision.

## **§ 525 Designated Agent and Procedure for Service**

The person responsible for serving the legal process and any other document required to be served by these regulations must serve the designated agent in a manner set forth in this section.

### **§ 525.10 Service by Mail**

By certified or registered mail, return receipt requested, or other letter delivery service that provides a record on the envelope of the date of dispatch and a receipt indicating the date of delivery to:

Chief, Payroll Services Branch  
**Attention: Legal Process**  
Administrative Office of the United States Courts  
One Columbus Circle, N.E., Suite 2-270  
Washington, DC 20544

### **§ 525.20 Service by Delivery**

By personal delivery during regular business hours to:

Chief, Payroll Services Branch  
**Attention: Legal Process**  
Administrative Office of the United States Courts  
One Columbus Circle, N.E., Suite 2-270  
Washington, DC 20544

### **§ 525.30 Record of Receipt**

The designated agent will apply a date and time stamp to each legal process or set of interrogatories as soon as possible after it is served.

### **§ 525.40 Time of Service**

The time of service of a legal process or interrogatories is:

- (a) The date of mailing or dispatch as established by postmark or other record on the envelope, when served by mail in accordance with these regulations.
- (b) The date and time stamped on a process by the designated agent upon personal delivery of the process.

### **§ 525.50 Simultaneous Mailing**

When more than one process seeking to garnish pay of the same employee has the same date of mailing or dispatch, priority among those processes will be established by the date and time stamps applied by the designated agent.

### **§ 525.60 Ineffective Service**

Service is not effective, and no time of service is established, unless the legal process is served in compliance with this section and accompanied by the information specified in § 530 of these regulations.

### **§ 525.70 Receipt of Process by Other Officers or Employees**

Any officer or employee of the judiciary other than the designated agent who receives legal process will return the process to the issuing authority with a notice of the requirement to serve the designated agent and the designated agent's address.

### **§ 530 Information to Accompany Legal Process**

The following information must be provided at the time of service. It may appear in the legal process itself or in a certified writing by an appropriate authority that is served with the legal process.

- (a) Employee's full name.
- (b) Employee's date of birth.
- (c) Employee's social security number.
- (d) Employee's official duty station (city, state) and name of office (probation, clerk of court, etc.) for which the employee works or worked.
- (e) The address and telephone number of the issuing authority.
- (f) The name and address to which payment is to be made, and the Social Security Number, Employer Identification Number, or Tax Identification Number of the payee.
- (g) Whether the legal process, or any portion of it, is to enforce an obligation to pay alimony, child support or the support of any other person, and the name of each person to whom the support obligation relates.
- (h) The period to which any support obligation described in the legal process relates.
- (i) A statement of the total debt as a dollar amount, and a dollar amount or portion of the employee's pay to be withheld periodically.
- (j) Any limits set by the law of the jurisdiction in which the process was issued on the time that the legal process is effective or on the number of payments or the total dollar amount of payments that the process may compel.
- (k) Any restrictions under state law on the amount of pay subject to garnishment that apply to the legal process in lieu of those prescribed by the Consumer Credit Protection Act (15 U.S.C. § 1673, § 1672 and § 1677).

### **§ 535 Agency Notice to Employee**

Within 15 days after the time of service, the AO will send to the employee at his or her duty station or last known home address a copy of the process or interrogatories and a written notice that they have been served. The notice will include an affidavit for the employee to verify, when appropriate, that he or she is supporting a spouse or child other than those for whose benefit the process is issued. The notice will indicate the maximum percentage of the employee's pay that may be withheld in the absence of the affidavit.

### **§ 540 Agency Response to Process; Notices**

#### **§ 540.10 Time and Content of Response**

The AO will respond to legal process or interrogatories in accordance with these regulations within 30 days after the time of service or within any longer period that may be prescribed by state law where the process was issued, advising the issuing authority that the AO:

- (a) Will commence payments in satisfaction of the process;
- (b) Has retained the process for future satisfaction;
- (c) Requires further information to honor the process; or
- (d) Cannot honor the process for a reason described in these regulations.

#### **§ 540.20 Response to Interrogatories**

The AO will respond to interrogatories relevant to any garnishment, if the interrogatories are:

- (a) Authorized by the law of the jurisdiction in which legal process has been issued or will be issued; and
- (b) Served in accordance with these regulations and accompanied by all applicable information specified in section 5 and by any additional documentation required by law.

#### **§ 540.30 Compliance with Other Garnishment Procedures**

Except as otherwise provided in these regulations, the AO will give any notice and complete any forms required by a legal process. When the process requires the AO to

give a notice that is equivalent to a notice prescribed by these regulations, whether to the same or a different person, the designated agent will give only the notice required by the process.

## **§ 545 Withholding from Employee's Pay**

### **§ 545.10 Determination of Amount to Withhold**

The AO will identify the amount of the employee's pay available for garnishment and the amount that the legal process requires to be withheld from each disbursement of pay to the employee. The AO will withhold from each disbursement of pay available for garnishment the greatest amount necessary to satisfy the legal process.

### **§ 545.20 Start of Withholding**

Whenever possible, withholding will begin in the first complete pay period after the time of service of the process. Otherwise, withholding will begin as soon as possible thereafter.

### **§ 545.30 Periodic Payments of Withheld Funds**

The AO will make periodic payments in fulfillment of the legal process according to the employee's regular pay period.

- (a) When a legal process prescribes a different payment schedule or specifies a dollar amount for each payment, the AO will withhold an amount per pay period that most nearly approximates but does not exceed the payment rate prescribed by the process.
- (b) The AO will not disrupt or vary its normal pay and disbursement cycles in order to comply with any legal process.
- (c) The AO will deduct the collection fee prescribed in § 590 from the money withheld and pay the balance of the money withheld to the person or entity designated by the legal process.

### **§ 545.40 Withholding from Non-Periodic Pay**

The AO will withhold the maximum amount permitted by law from any non-periodic pay that is available for garnishment and pay the money withheld, less the fee prescribed by these regulations, in satisfaction of the legal process of greatest priority having a claim to those funds. Non-periodic pay includes awards, bonuses and lump-sum separation payments.

### **§ 545.50 Cessation of Withholding**

The AO will withhold and pay in compliance with a legal process, subject to these regulations, until:

- (a) The process ceases to be effective by operation of law;
- (b) The AO has paid an amount equal to the dollar amount of the debt stated in the process;
- (c) There is no pay available for further compliance with the process (**see**: § 575); or
- (d) The AO is served with an order of a court of competent jurisdiction or other written notification by an appropriate authority enjoining, suspending, terminating or modifying the operation of the process. Any further payments in accordance with such an order or notification will have the same priority as the original process. **See also**: § 555.

### **§ 550 Federal Limitations on Pay Subject to Garnishment**

#### **§ 550.10 General Limitation**

Except as provided in § 550.20 through § 550.50, the maximum part of the disposable earnings of an employee during any pay period which is withheld to satisfy all legal processes may not exceed the lesser of:

- (a) Twenty-five (25) percent of the employee's disposable earnings during that pay period, or
- (b) The amount by which the employee's disposable earnings during a pay period exceed 30 times the federal minimum hourly wage in effect at the time of payment, times the number of weeks in the pay period (60 times the minimum hourly wage for a biweekly pay period or 130 times the minimum hourly wage for a monthly pay period.)

#### **§ 550.20 Exceptions to General Limitation**

The limits in § 550.10 do not apply to legal process to enforce an order for the support of any person, an order of a bankruptcy court, or a debt due for any state or federal tax.

### **§ 550.30 Limitation for Support Orders**

- (a) The maximum part of the disposable earnings of an employee for any pay period which is subject to garnishment to enforce an order for the support of any person will not exceed:
  - (1) Fifty (50) percent of the employee's disposable earnings for that pay period, where the employee asserts by affidavit that he or she is supporting a spouse or child other than a spouse or child whose support is the purpose of the legal process.
  - (2) Sixty (60) percent of the employee's disposable earnings for that pay period, where the employee does not assert by affidavit that he or she is supporting a spouse or child other than a spouse or child whose support is the purpose of the legal process.
- (b) The percentages in § 550.30(a)(1) and (a)(2) are deemed to be 55 and 65 percent, respectively, if the legal process is to enforce a support obligation applicable to any period antedating the commencement of garnishment by more than twelve weeks.
- (c) "Disposable earnings" as used in § 550.30 means that part of an employee's compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus or otherwise, including periodic payments under a pension or retirement program, that remains after the deduction of any amounts required by law to be withheld. Amounts withheld under an order for alimony or the support of any person are not amounts required by law to be withheld and are included in disposable earnings.

### **§ 550.40 Special Exemptions from Consumer Credit Protection Act**

The limitations on garnishment provided in this section do not apply to legal process issued under the laws of a state that the Secretary of Labor of the United States has exempted by regulation from the application of sections 303(a) and 303(b)(2) of the Consumer Credit Protection Act (15 U.S.C. § 1673(a), (b)(2)).

### **§ 550.50 Applicability of State Garnishment Laws**

The AO is subject to the laws of any state that prohibit garnishments or provide for more limited garnishments than are permitted by section 303 of the Consumer Credit Protection Act (15 U.S.C. § 1673).

## **§ 555 Priority of Legal Process and Other Claims**

### **§ 555.10 Earlier Service; Support Orders**

A legal process has priority over a process served later, except that a legal process for alimony or child support has priority over any process for a debt other than alimony or child support.

### **§ 555.20 Bankruptcy Orders**

A bankruptcy payment order has the same priority that a legal process for a debt other than alimony or child support would have according to its time of service, unless the court that issued the bankruptcy payment order directs otherwise.

### **§ 555.30 Internal Revenue Service Levies**

An Internal Revenue Service (IRS) levy has the priority provided by law. This may vary, depending on the nature and timing of the tax debt and other debts.

### **§ 555.40 Multiple-Debt Garnishments**

A legal process for more than one debt or a bankruptcy payment order will have priority according to this section as being entirely for a debt other than alimony or child support debt, unless the process or order specifies a portion of the payment by dollar amount that is for alimony or child support. In that case the AO will accord the specified dollar amount a separate priority as an alimony or child support payment according to this section.

### **§ 555.50 Honoring Processes in Order of Priority**

When the AO is served with more than one legal process seeking to garnish the same moneys, the AO will first satisfy all processes that seek to enforce obligations to pay alimony or child support. Those processes will be honored in order of greatest priority. The AO will then satisfy any legal processes for debts other than alimony and child support in the order of greatest priority.

- (a) Each legal process will be satisfied in turn from the portion of the employee's pay that remains available for garnishment after satisfaction of all other legal processes having greater priority, subject to the garnishment limitations set forth in § 550.
- (b) A legal process, bankruptcy payment order or IRS levy may be satisfied ahead of processes of greater priority when pay is available for that purpose but not available for garnishment under the other processes.



## **§ 560 Insufficient Pay Available for Garnishment**

Except as provided below in § 560.10, when there is pay available for garnishment to satisfy a legal process, but the pay is insufficient to satisfy the garnishment in full, the AO will withhold all pay available for garnishment and pay it in satisfaction of the process, less the collection fee prescribed by these regulations.

### **§ 560.10 Decrease in Pay Subject to Garnishment**

If an employee's pay subject to garnishment decreases so that it is insufficient to satisfy all pending legal processes, the AO will reduce or discontinue payments under the process having the least priority until the total paid under all processes does not exceed the pay subject to garnishment. If necessary, the AO will likewise reduce or discontinue the payments made under other processes in the order of least priority.

### **§ 560.20 Maintenance of Payments Having Priority**

The AO will not reduce or discontinue payment under any legal process under this section until payments under all processes having lesser priority have been discontinued.

### **§ 560.30 No Pay Available for Garnishment**

When none of an employee's pay is available to satisfy a legal process, IRS levy or bankruptcy payment order, the AO will notify the issuing authority. Unless directed otherwise by an appropriate authority, the designated agent will retain the process or order and begin withholding in satisfaction of it when pay becomes available.

### **§ 560.40 Later Process with Priority over Earlier Process**

When the AO receives a legal process, IRS levy or bankruptcy payment order that has priority over earlier processes under which it is already making payments, the AO will reduce or discontinue the payments under the earlier processes in the order of least priority as necessary until there is enough pay available for garnishment to satisfy the process, levy or bankruptcy payment order having greatest priority.

### **§ 560.50 Notice of Change in Agency Compliance**

Whenever the AO pays less than the full amount specified in a legal process, or reduces or discontinues payments, the AO will notify the issuing authority of the reason for the change.

## **§ 565 Changes in Employee's Pay**

### **§ 565.10 Separation from Employment**

When an employee leaves the employment of the judiciary, the AO will honor outstanding legal processes using any pay available for garnishment from the employee's remaining salary or lump sum payments and will then discontinue payments under all legal processes pertaining to the employee.

#### **§ 565.10.10 Notice of Change**

The designated agent will send notice of the employee's separation to the issuing authority of each process under which the AO is making payments or that the AO has retained for future compliance under these regulations. **See also:** § 575.

### **§ 565.20 Increase in Pay Available for Garnishment**

When an employee's pay available for garnishment increases, the AO will withhold the additional pay available for garnishment as necessary to comply with any outstanding legal processes in the order of greatest priority.

## **§ 570 Employee's Bankruptcy**

### **§ 570.10 Suspension of Payments; Required Notice**

The AO will suspend payments under a legal process in accordance with the automatic stay provision of the Bankruptcy Code (11 U.S.C. § 362) as soon as possible after the designated agent is served with notice of the employee's bankruptcy in one of the following forms:

- (a) An original or a certified copy of a completed Official Bankruptcy Form B206.
- (b) A certified copy of the bankruptcy petition, or the summons to debtor in an involuntary case, bearing the dated file stamp of the bankruptcy clerk's office.
- (c) A certified copy of an order of a bankruptcy court or other appropriate authority directing the AO to suspend payment.
- (d) An affidavit of an attorney at law representing the bankruptcy trustee or the employee. The affidavit must set forth the employee's name and Social Security number, the name of the court in which the bankruptcy

case is pending, the case number, the date the petition was filed, and the chapter of the Bankruptcy Code under which the petition was filed. The affidavit must contain the affiant's name, title, address, telephone number, and bar identification number. The affidavit must state that the bankruptcy case is pending at the time of service, that collection of the debt under the legal process is stayed by the pendency of the bankruptcy, and must conclude with the following subscribed statement: "The affiant declares under penalty of perjury that the foregoing is true and correct. Executed on (date)."

### **§ 570.20 Exception for Support Obligations**

The AO will not suspend payments that represent alimony, maintenance or support obligations under this section except by order of the bankruptcy court or other appropriate authority, served on the designated agent under these regulations. 11 U.S.C. § 362(b)(2).

### **§ 570.30 Representation of Pendency of Bankruptcy**

A person that causes service to be made under § 570 represents that the bankruptcy case is pending at the time of service.

### **§ 570.40 Notice to Issuing Authority**

The designated agent will notify the issuing authority of the effective date of a suspension of payments under this section.

### **§ 570.50 Resumption of Payments**

The AO will resume payments that have been suspended under this section as soon as possible after the designated agent is served with an order of the bankruptcy court that lifts or terminates the stay.

### **§ 570.60 Later-Served Legal Process**

After the AO has been served with notice of an employee's pending bankruptcy case, the AO will honor a later served legal process affecting that employee's pay only if the process is served together with:

- (a) An order of the bankruptcy court directing the AO to honor the legal process or otherwise declaring that collection under the legal process is not stayed, or

- (b) An affidavit by an attorney at law who represents the party that caused the legal process to be issued. The affidavit must contain all the information prescribed in § 570.10(d), except that it must state that collection of the debt described in the legal process is **not** stayed by the pendency of the bankruptcy case.

## **§ 575 Retention of Legal Process for Future Satisfaction**

### **§ 575.10 No Pay Available or Process Stayed**

Unless the legal process directs otherwise, the AO will retain a process that cannot be honored because the employee temporarily has no pay available for garnishment or the operation of the process has been stayed, enjoined or suspended by an appropriate authority.

### **§ 575.20 Start of Payments**

The AO will begin withholding and paying in satisfaction of a legal process retained under this section when pay becomes available for garnishment or the AO is served with an order or notice from an appropriate authority that the stay, injunction or suspension has been removed. Processes retained under this section will be satisfied according to their priority among all processes involving the same employee's pay.

### **§ 575.30 Notice to Issuing Authority**

The designated agent will notify the issuing authority that a legal process has been retained under this section.

## **§ 580 Reduction or Elimination of Salary Allotments**

The AO will reduce or discontinue direct deposit salary allotments and IRS levy deductions as necessary to satisfy a legal process.

### **§ 580.10 Notice to Employee; Opportunity for Voluntary Modification of Allotments**

The designated agent will notify the employee in advance when it is necessary to reduce or eliminate a salary allotment or deduction other than a direct deposit allotment or IRS levy deduction. The employee will then have three working days to reduce or eliminate such allotments voluntarily. Thereafter, the AO will reduce or eliminate the allotments at its option.

### **§ 580.20 Allotments Subject to Reduction**

Allotments that may be reduced or eliminated under this section include those for Thrift Savings Plan contributions and loan payments, savings bonds, charitable deductions, excess withholding for federal and state income taxes, supplementary life insurance, and supplementary retirement contributions.

### **§ 585 Post-Judgment Interest and Costs**

#### **§ 585.10 Requirements for Adding Interest or Costs**

The AO will add interest or costs to a debt only when they are stated as a dollar amount in the legal process or a dollar amount certified in writing by an appropriate authority that is served on the designated agent.

#### **§ 585.20 Later Claim Related to Pending Garnishment**

If the AO receives a later claim for interest or costs relating to a legal process under which there is an outstanding balance payable by the AO, the AO will add the claim to the outstanding balance, and the total balance will have the same priority as the original legal process.

#### **§ 585.30 Later Claim Related to Completed Garnishment**

If a claim for interest or costs relates to a legal process on which there is no outstanding balance, the AO will treat the claim as a new legal process, unless otherwise directed in writing by the issuing authority.

#### **§ 585.40 Unspecified Claim Amount; Notice to Issuing Authority**

If a legal process states that the employee is liable for post-judgment interest or costs without specifying those elements as a dollar amount, the designated agent will notify the issuing authority of the requirements of this section.

### **§ 590 Collection Fee**

The AO will collect a charge of \$5.00 per payment to cover the administrative costs of honoring legal process for a debt other than alimony or child support. This fee is deducted from each payment withheld to satisfy the legal process. 5 U.S.C. § 5520a.