



GARNISHMENTS BASICS

INSTRUCTOR: CRAIG ORTEGA

STATE CONTROLLER'S OFFICE STATEWIDE TRAINING

Ice Breaker!!!!!!



What is a garnishment?

- ▶ When a court issues an order requiring your employer to withhold a certain amount of your paycheck until your debt is paid off



How many types of
Garnishments are there?



Life cycle of a garnishment

- ▶ Court issues order for garnishment/levy.
- ▶ Employer receives notice of garnishment
- ▶ Agency assigns garnishment to Personnel Specialist
- ▶ Complete necessary forms according to what type of garnishment it is.
- ▶ Send completed forms to SCO for Processing either by fax or mail again determined by the type of garnishment.
- ▶ The Personnel Specialist will verify that the garnishment was processed and it for the correct amount.

STD 639CFS

▶ Used for support orders that are processed through the California Department of Child Support Services State Disbursement Unit (SDU)

▶ Used for deduction code 038 and Deduction Code/Organization Code 339-002

▶ This form **CANNOT** be faxed

STATE OF CALIFORNIA - STATE CONTROLLER'S OFFICE
SALARY GARNISHMENT
CHILD SUPPORT/FAMILY SUPPORT
STD. 639 CFS (Rev. 10/2019)

NOTE: SUBMIT ORIGINAL TO THE STATE CONTROLLER'S GARNISHMENT UNIT. SUBMIT ORIGINAL, ONE COPY AND COURT ORDER.

Reference Payroll Procedures Manual Section H 300

DOCUMENT NUMBER _____

1. AGENCY NAME _____		4. POSITION NUMBER _____ <small>(Agency) (Unit) (Class) (Serial)</small>	
2. SOCIAL SECURITY NUMBER _____	3. NAME (F.I.) (M.I.) (LAST) _____		
5. EFFECTIVE DATE _____	6. ACTION TYPE <input type="checkbox"/> NEW <input type="checkbox"/> MODIFICATION OR CORRECTION OF ITEM <input type="checkbox"/> CANCELLATION OF GARNISHMENT ORIGINAL EFFECTIVE DATE _____		
7. PAY FREQUENCY <input type="checkbox"/> MONTHLY <input type="checkbox"/> SEM-MONTHLY <input type="checkbox"/> BI-WEEKLY			
8. GARNISHMENT TYPE (038) A. <input type="checkbox"/> COURT ORDERED ASSIGNMENT OF WAGES (ONGOING SUPPORT) (FC 150 et seq., 5200 et seq. or FC 3088) \$ _____ (Monthly Amount) <input type="checkbox"/> DEDUCTION AMOUNT CHANGED FROM \$ _____ (Must be completed if changing SA) \$ _____ (Deduction Amount per Pay Period)			
B. (339/002) EARNINGS WITHHOLDING ORDER FOR SUPPORT - ARREARAGES (COP Section 706.030, 706.062, and 706.070 et seq.) <input type="checkbox"/> (Including FTB Child Support Collection Program, Revenue & Taxation Code 19271)			9. ARREARAGES \$ _____

10. COMPLETE FOR USE BY DEPARTMENT OF CHILD SUPPORT SERVICES ONLY

EMPLOYEE ADDRESS _____

EMPLOYEE DATE OF BIRTH (MM/DD/YYYY) _____

11. COMPLETE ONLY IF COURT SPECIFICALLY STATES (May only be completed with 8B.)

A. <input type="checkbox"/> TERMINATION DATE OF EARNINGS WITHHOLDING ORDER _____	
B. <input type="checkbox"/> MAXIMUM GARNISHMENT AMOUNT DEDUCTIBLE PER MONTH \$ _____	
C. <input type="checkbox"/> SUPPORT EXEMPTION AMOUNT \$ _____	
D. <input type="checkbox"/> SPECIFIC AMOUNT TO BE DEDUCTED PER MONTH \$ _____	

12. WARRANT TO BE MADE PAYABLE TO

ENTER CASE NUMBER Must be completed Case Number _____

PAYEE NAME _____

C/O SDU
PO BOX 989067
WEST SACRAMENTO CA 95798

13. REMARKS _____

14. FORM COMPLETED BY _____	TELEPHONE NUMBER AND EXTENSION _____	15. PAYROLL INFORMATION CERTIFIED IN ACCORDANCE WITH B/C RULE 633.7
		AI <input type="checkbox"/> SIGNATURE _____ DATE _____
		TYPED NAME _____

STD 639

► Used for spousal support when listed by itself, and all other levies, such as:

- Board of Equalization (BOE)
- Unemployment (EDD)
- Student Loans
- Ordinary Money Judgements (Levy Officer)
- Federal Taxes (IRS)
- EWO for State Taxes

STATE OF CALIFORNIA - STATE CONTROLLER'S OFFICE
SALARY GARNISHMENT
 STD. 639 (Rev. 10/2019)

Reference Payroll Procedures
 Manual Section H 300

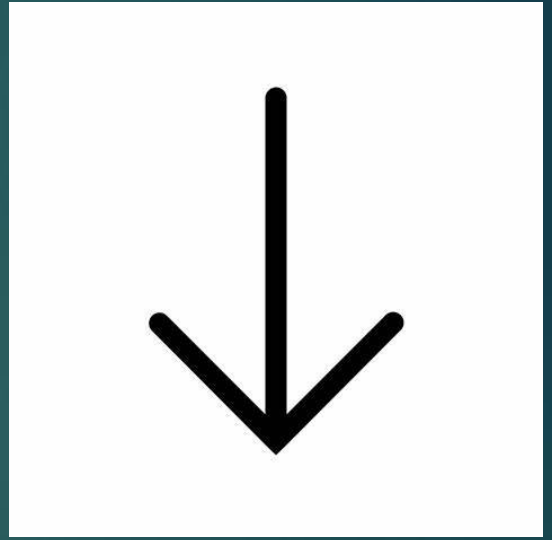
**NOTE: SUBMIT ORIGINAL TO THE STATE CONTROLLER'S GARNISHMENT UNIT.
 IF FAXED, FAX ONLY ONCE AND DO NOT SUBMIT A HARD COPY.**

DOCUMENT NUMBER _____

1. AGENCY NAME _____		4. POSITION NUMBER (Agency) (Unit) (Class) (Serial)			
2. SOCIAL SECURITY NUMBER _____	3. NAME (F.I.) (M.I.) (LAST) _____				
5. EFFECTIVE DATE _____	6. ACTION TYPE <input type="checkbox"/> NEW <input type="checkbox"/> MODIFICATION OR CORRECTION OF ITEM <input type="checkbox"/> CANCELLATION OF GARNISHMENT		ORIGINAL EFFECTIVE DATE _____		
7. PAY FREQUENCY <input type="checkbox"/> MONTHLY <input type="checkbox"/> SEMI-MONTHLY <input type="checkbox"/> BI-WEEKLY					
8. GARNISHMENT TYPE (038) A. <input type="checkbox"/> COURT ORDERED ASSIGNMENT OF WAGES (ONGOING SUPPORT) (FC 150 et seq., 5200 et seq. or PC 3088) \$ _____ (Monthly Amount) \$ _____ (Deduction Amount per Pay Period) <input type="checkbox"/> DEDUCTION AMOUNT CHANGED FROM \$ _____ (Must be completed if changing 8A)					9. TOTAL GARNISHMENT AMOUNT \$ _____
B. (339/002) EARNINGS WITHHOLDING ORDER FOR SUPPORT - ARREARAGES (CCP Section 706.030, 706.052, and 706.070 et seq.) (Including FTB Child Support Collection Program, Revenue & Taxation Code 19271) \$ _____					
C. (339/003) (1) NUMBER OF DEPENDENTS <input type="checkbox"/> 1 - SINGLE <input type="checkbox"/> 3 - MARRIED FILING SEPARATELY <input type="checkbox"/> 2 - MARRIED FILING JOINTLY <input type="checkbox"/> 4 - HEAD OF HOUSEHOLD <input type="checkbox"/> 5 - SURVIVING SPOUSE CERTIFICATION OF FACTS - FEDERAL TAX LEVY (GC 926.8)					\$ _____
D. (339/004) EARNINGS WITHHOLDING ORDER FOR STATE TAXES (CCP 706.072); FTB REGISTRATION COLLECTION PROGRAM (Revenue & Taxation Code 19078); FTB STUDENT LOAN COLLECTIONS (GC 19582.8); BOARD OF EQUALIZATION FOR TAXES (CCP 706.074); UNEMPLOYMENT INSURANCE (UI Code 1756); FTB COURT-ORDERED DEBT COLLECTIONS (Revenue & Taxation Code 19280)					\$ _____
E. (339/007) EARNINGS WITHHOLDING ORDER (CCP 706.125):					\$ _____
F. (339/008) Federally Guaranteed Student Loan (Higher Education Act of 1966: 20 USC Section 1095a.)					\$ _____
10. <input type="checkbox"/> SUM OF ALL AMOUNTS DUE AND OWING THIS AGENCY BY DEBTOR FOR SALARY ADVANCES OR FOR ANY OTHER PURPOSE.					\$ _____
11. COMPLETE ONLY IF COURT SPECIFICALLY STATES (May only be completed with 8B, 8C, 8D, 8E, and 8F.)					
A. <input type="checkbox"/> TERMINATION DATE OF EARNINGS WITHHOLDING ORDER (NOT APPLICABLE TO 8D) _____					
B. <input type="checkbox"/> MAXIMUM GARNISHMENT AMOUNT DEDUCTIBLE PER MONTH (If 11B is used for 8C, copy of IRS Form 688D must be attached.) \$ _____					
C. <input type="checkbox"/> SUPPORT EXEMPTION AMOUNT \$ _____					
D. <input type="checkbox"/> SPECIFIC AMOUNT TO BE DEDUCTED PER MONTH (If 11D is used for 8C, copy of IRS Form 688D must be attached.) \$ _____					
12. WARRANT TO BE MADE PAYABLE TO _____ Must be completed Levying Officer File Number / Case Number Enter Levying Officer File Number for warrants payable to Sheriff's Office or Marshal's Departments (8B and 8E above). All others, enter Case Number. _____ INDICATE NAME SHOWN ON COURT ORDER, WRIT, LEVY. (Include address if pursuant to FC 150 et seq., 5200 et seq. or PC 3088) _____ _____ _____ _____					
13. REMARKS _____					
14. FORM COMPLETED BY _____		TELEPHONE NUMBER AND EXTENSION _____		15. PAYROLL INFORMATION CERTIFIED IN ACCORDANCE WITH B/C RULE 633.7 AUTHORIZED SIGNATURE _____ DATE _____ TYPED NAME _____	



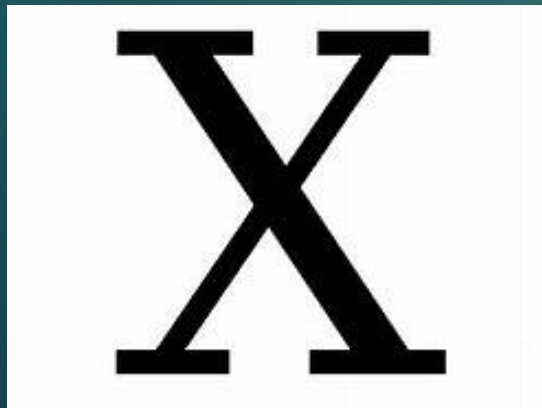
He is yelling
Effective Date



EFFECTIVE DATE

Different Effective Dates

- ▶ In most cases, the effective date of a garnishment is 10 days from the **DATE STAMPED** date on the garnishment.
- ▶ There are two situations where the effective date is different:
 - ▶ A JEPORADY withholding order for taxes is effective the same day it is date stamped by your office.
 - ▶ A garnishment issued from the Franchise Tax Board for a court ordered debt is effective 15 days from the date stamped.



The effective date on the initial order and any further modifications will always be the same.

Original

5. EFFECTIVE DATE

08/06/1984

Modification

5. EFFECTIVE DATE

08/06/1984

Garnishment Characteristics

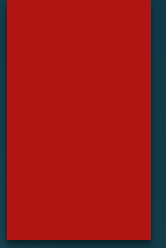
V.3 01/28/2020

Garnishment Type	Legal Code	639 CFS/639 Item	Deduction Code	Withholding & Priority Order
Order assigning salary or wages for support of a minor child (ongoing)	Family Code (FC), Section 150, 5200	8A	038	The deduction amount should not exceed 50% of disposable earnings unless the order specifies a higher % never to exceed 65%. This has priority over any other assignment order for support of earnings withholding order (EWO).
Order assigning salary or wages for spousal support (ongoing)	FC 150, 5200	8A	038	The deduction amount should not exceed 50% of disposable earnings unless the order specifies a higher % never to exceed 65%. This order has priority over an assignment order for conservatee and EWO.
Order assigning salary or wages for conservatee (ongoing)	Probate Code (PC) 3088	8A	038	The deduction amount should not exceed 50% of disposable earnings unless the order specifies a higher % never to exceed 65%. This order has priority over all EWO.
Earnings withholding order for support, including FTB Child Support Collection Program Orders (arrearages)	Code of Civil Procedures (CCP) 706.030; Revenue & Taxation Code 19271	8B, 11B, 11D	339/002	The deduction amount is not to exceed 50% of disposable earnings. EWO Priority order: <ol style="list-style-type: none"> 1. Child support 2. Spousal support 3. Conservatee 4. Ordinary money judgements
Certification of Facts federal tax levy	Government Code (GC) 926.8	8C, 11B, 11D	339/003	This type of levy has NO limit. If a EWO for state taxes has an earlier effective date, it takes priority; however, the IRS levy may be withheld if enough disposable earnings are available. The IRS imposes special withholding limits based on exemptions.
Earnings withholding order for taxes, including FTB	CCP 706.072; Revenue &	8D, 11B, 11D	339/004	The deduction amount is not to exceed 25% of disposable earnings. Only one order for collection of state

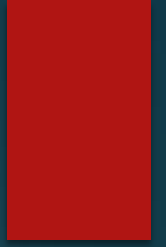
Garnishment Type	Legal Code	639 CFS/639 Item	Deduction Code	Withholding & Priority Order
Registration Collection Program orders and court ordered debt	Taxation Code 10878 & 19280			taxes can be active at the same time. Whatever order is served first will prevail.
FTB Student Loan Collections	GC 16583.5	8D, 11B, 11D	339/004	The deduction amount is not to exceed 10% of disposable earnings.
Board of Equalization for taxes	CCP 706.074	8D, 11B, 11D	339/004	The deduction amount is not to exceed 25% of disposable earnings. Only one order for collection of state taxes can be active at the same time. Whatever order is served first will prevail.
Unemployment insurance for taxes	Unemployment Insurance Code 1755	8D, 11B, 11D	339/004	The deduction amount is not to exceed 25% of disposable earnings. Only one order for collection of state taxes can be active at the same time.
Earnings withholding order for an ordinary money judgement (commonly assigned a levying officer with the Sheriff's Office)	CCP 706.125	8E, 11B, 11D	339/007	The deduction amount cannot exceed 25% of disposable income.
Student Loan Default	Higher Education Act of 1965: 20 U.S.C. Section 1095a	8F, 11D	339/008	The deduction amount can be 10% or 15% of disposable earning unless employee gives written consent to withhold a higher amount never to exceed 25%. Has same priority as ordinary money judgement. May be withheld simultaneously with EWO for an ordinary money judgement as long as the total amount to withhold does not exceed 25% of disposable earnings.

REVIEW

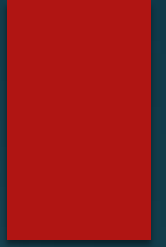
How many types of garnishments
are there?



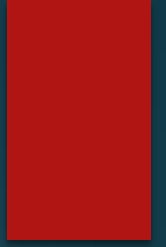
Which form do you use when
dealing with in-state child
support?



What is the one thing that
remains consistent throughout the
life of a Garnishment?



What are the three different effective dates of a garnishment?



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Please email me with any questions
you may have. I'm happy to help!

