



## GARNISHMENT POLICY

**Policy Title:** Garnishment Policy

**Policy Type:** Administrative

**Policy Number:** #41-17 (2014)

**Approval Date:** 01/13/2015

**Responsible Office:** Office of the Controller/Payroll

**Responsible Executive:** Vice President for Finance and Administration

**Applies to:** University Employees

### POLICY STATEMENT

The purpose of this policy is to set forth University policy and procedures for enforcing garnishments. Upon receipt of a garnishment for an employee, deductions are made in accordance with the Federal Wage Garnishment Law (15USC1673). The assessment of fees will be paid by both full time and part-time employees for the costs of collection of garnishments, tax liens, and child support orders.

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### DEFINITIONS

**Garnishments:** Legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

**Earnings:** are compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or other.

**Fees:** are amounts assessed for the costs of collecting garnishments.

**CONTACT(S)**

Office of the Controller/Payroll officially interprets this policy. The Vice President for Finance and Administration is responsible for obtaining approval for any revisions as required by BOV Policy # 01 (2014) *Creating and Maintaining Policies* <https://www.nsu.edu/policy/bov-01.aspx> through the appropriate governance structures. Questions regarding this policy should be directed to Office of the Controller/Payroll.

**STAKEHOLDER(S)**

University Employees

**GARNISHMENT POLICY CONTENTS**

All deductions for employee garnishments will be made through payroll deduction as prescribed by the Federal Wage Garnishment Law (15USC1673). Deductions should be made from an employee’s earnings until the garnishment amount is satisfied and/or date funds are due to the court. Funds must be submitted to the respective court in time to be receipted prior to the court date.

As mandated in 20 USC § 1095a (the Higher Education Act), work-study payments are not subject to garnishment or attached in order to satisfy a debt owed by the student awarded such assistance other than a debt owed to the Secretary of Education.

The *Code of Virginia* § 8.01-512.2 provides for the assessment of fees to be paid by both full time and part-time employees for the costs of collections of garnishments, tax liens, and child support orders. As required, Norfolk State University may collect these fees as follows:

Code of Virginia	Collection Fee	Frequency
§ 8.01-512.2	Garnishment \$10.00	Once per summons
§ 63.1-256	Child Support \$5.00	Per remittance/per order
§ 58.1-1804	Tax Lien \$20.00	Once per lien

Fees are exempt on bankruptcy, IRS federal tax levies, local and county tax liens.

Norfolk State University, as an employer, is not obliged to honor wage assignments that come directly from payday lenders (those not authorized by the court) regardless of the agreement between the employee and the vendor.

**PUBLICATION**

This policy shall be widely published or distributed to the University community. To ensure timely publication and distribution thereof, the Office of the Controller will make every effort to:

1. Communicate the policy in writing, electronically or otherwise, to the University community within 14 days of approval;
2. Submit the policy for inclusion in the online [Policy Library](#) within 14 days of approval;
3. Post the policy on the appropriate website; and
4. Educate and train all stakeholders and appropriate audiences on the policy's content.

Failure to satisfy procedural requirements does not invalidate this policy.

## **REVIEW SCHEDULE**

- Next Scheduled Review: 05/22/2021
- Approval by, date: President, 01/13/2015
- Revision History: 1/08/1999, 01/13/2015, 06/15/2016; 06/16/2017; 05/22/2018
- Supersedes: Policy No. 55

## **RELATED DOCUMENTS**

1. State of Virginia Policies and Procedures, Topic No. 50405  
[http://www.doa.virginia.gov/reference/CAPP/CAPP\\_Topics/50405.pdf](http://www.doa.virginia.gov/reference/CAPP/CAPP_Topics/50405.pdf)
2. Federal Regulation 15 USC 11673 (CCPA)  
<https://www.law.cornell.edu/uscode/text/15/1673>
3. Federal Regulation 29 CFR 870 <https://www.gpo.gov/fdsys/granule/CFR-1999-title29-vol3/CFR-1999-title29-vol3-part870/content-detail.html>
4. Federal Regulation 42 USC 666 <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/pdf/USCODE-2010-title42-chap7-subchapIV-partD-sec666.pdf>
5. Federal Regulation 20 USC 1095a 31 USC 3720d and CFR 285.11  
<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap28-subchapIV-partF-sec1095a.pdf>
6. Internal Revenue Code 6331, 6332, 6334. 6343, [www.irs.gov/irm/part5](http://www.irs.gov/irm/part5)
7. USC Chapter 7 & 13  
<http://uscode.house.gov/view.xhtml?path=/prelim@title13/chapter7&edition=prelim>

## **FORMS**

*There are no forms associated with this policy and procedures.*