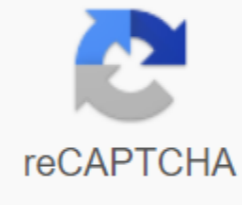




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Wage garnishment worksheet sf-329c excel

You can use this pay circuit calculator in each pay period to calculate the pay rounding amount to be withheld from the debtor's available salary. So all you have to do is: Select the frequency of the payment period from the drop-down list, and then enter the gross earnings before deductions. Enter all allowable deductions, such as federal income tax, state taxes, city and local taxes, Social Security and Medicare taxes, health insurance, disability, etc. After you enter this data, press the Calculate button and the results will appear below. The maximum weekly garnish is calculated as the smaller of the following: a.) The amount by which disposable income exceeds 30 times the federal hourly wage (currently USD 7.25 per hour) or b.) 25 percent of disposable income (after federal, state, and local taxes and pension contributions). Note: The wage range for non-performing student loans is limited to 15% of disposable income. Example: The federal minimum wage per hour is currently \$7.25 an hour. If you make \$500 per week after all taxes and allowable deductions, 25% of your disposable income is \$125 ($\$500 \times .25 = \125). The amount by which disposable income exceeds 30 times \$7.25 to \$282.50 ($\$500 - \$30 \times \$7.25 = \282.50). The maximum amount that can be garnished with a weekly salary is \$125, since the smaller amount prevails. Start the preamble page 41290 Financial Office, General Services Directorate (GSA). ACTION: Suggested rule. SUMMARY: The General Services Administration (GSA) proposes to amend the regulations to implement the Administrative Wage Seizure Provisions contained in the Debt Recovery Improvement Act of 1996 (DCIA). Wage circling is a process by which the employer withholds amounts from the employee's wages and pays those amounts to the employee's creditor satisfied with the withholding tax order. The DCIA authorizes federal agencies to administratively round out an individual's available salary to recapture non-tax debts to the United States in accordance with regulations issued by the Treasury Secretary. This part was previously titled Debt Recovery by Tax Refund Diversion. As of January 1, 1999, the Ministry of Finance began a tax refund counter-program as part of the centralized offset program, the so-called Treasury Offset Program (TOP), run by the Treasury Department's (FMS) Treasury Department. Since GSA has entered into a cross-service agreement with the FMS, which includes THE TOP, the recovery of debts by means of tax refund compensation is no longer valid and should be re-elected and the new Replace. DATES: Addresses of interested parties 2003: Submission of written comments to: address: Services Administration, Office of the Chief Financial Officer (BCD), 1800 F Street, NW., Room 3121, ATTN: Michael J. Kosar, Washington, D.C. 20405. Submitting electronic observations via the Internet to mike.kosar@gsa.gov Please submit only comments and refer to GSPMR 2003-105-2. For more information, see Regulatory Secretariat, Room 4035, GS Building, Washington, D.C. 20405, at (202) 501-4755 for status or publication schedule information. To clarify the content, contact Michael J. Kosar, (202) 501-2029. Please refer to case GSPMR 2003-105-2. For more information on the end of Preamble beginning additional information supplemental information: A. Background This rule is from 1996 (DCIA), Pub. L. 104-134, 110 Stat. 1321-358 (26 April 1996) 31001(o), codified 31 U.S.C. 3720D. Wage circling is a process by which the employer withholds amounts from the employee's wages and pays those amounts to the employee's creditor satisfied with the withholding tax order. The DCIA authorizes federal agencies to administratively round up to 15% of the available payment to a debtor to satisfy a late non-tax debt in the United States. Before the DCIA was taken, the agencies had to pass a court ruling before they had to sit down the wages of non-federal employees. Section 31001(o) of the DCIA precedes state laws that prohibit wage circling or otherwise regulate wage-circuiting procedures. With the permission of ADCIA, a federal agency that collects non-taxed debts can administratively round out the criminal debtor's wages in accordance with regulations promulgated by the Finance Minister. The Financial Management Service (FMS), the Office of the Ministry of Finance, is responsible for the publication of regulations established by the DCIA implementing these and other debt collection instruments. In accordance with the requirements of the DCIA, this proposed rule lays down the following rules and procedures: 1. Notice At least 30 days before the GSA commences the rounding-up procedure, the Agency shall notify the debtor in writing of the nature and amount of the debt, of GSA's intention to collect the debt through deductions from payment and of an explanation of the debtor's rights in relation to the proposed measure. The debtor's GSA rights give the debtor the opportunity to view and copy the registers relating to the debt, to establish a repayment agreement and to be heard about the existence and/or amount of the debt and/or the terms of the repayment schedule. A hearing shall be held before the retention order is issued if the debtor's application has been received in good time. Requests not received within the specified timeframe GSA does not delay the before the hearing is conducted. GSA will not separate the wages of the debtor who has been involuntarily separated from employment until the person has been continuously re-employed for at least 12 months. The debtor bears the burden of informing GSA of the circumstances of the involuntary separation from employment. 3. GSA's obligation to pay employer's obligations sends a pay order to the late debtor's employer instructing the employer to pay part of the debtor's salary to GSA. This proposed rule requires the debtor's employer to justify certain payment information relating to the debtor. Employers do not need to change their normal pay cycles to comply with the garnish order. The DCIA prohibits employers from taking disciplinary action against the debtor on the basis of the fact that the debtor's pay is subject to administrative proceedings. In addition, the DCIA authorizes GSA to sue the employer for amounts not adequately withheld from the wages payable to the debtor. B. 12866. This Regulation, including the certification referred to in this proposed rule (see paragraphs 105 to 57.007 of this Part), will not have a significant economic impact on a significant number of smaller entities. Although small organizations are 41291. Employers of late debtors must provide proof of certain information about the debtor, such as the debtor's employment status and action. This information is included in the employer's payroll register. Therefore, it will not take a significant amount of time or a significant cost to the employer to complete the certification form. Even if the employer is served with retention orders for several workers over a period of one year, the cost to the employer for carrying out certifications would not have a significant economic impact on that entity. Employers do not need to change their normal pay cycles in order to comply with the retention order issued under this rule. C. Regulatory Flexibility Act The Regulation demonstrates that this Regulation will not have a significant economic impact on a significant number of smaller entities, as the Regulation will either (1) result in greater flexibility for GSA to rationalize debt collection rules or (2) reflect the legal language in the DCIA. Accordingly, there is no need for a regulatory flexibility analysis. D. 13132. different levels of government. Therefore, article 13132 is replaced by the following: E. The 1995 Unsecured Mandate Reform Act This regulation will not result in a total or private sector-limited expenditure of \$100 million or more by state, local and tribal governments in any (1) year and will not significantly or individually affect small governments. Therefore, the measures were not considered necessary under the provisions of the 1995 Law on the Reform of Non-Capital-Fund Mandates. F. Small Business Regulatory Enforcement Fairness Act 1996 This rule is not a large rule defined by Section 251 of the Small Business Regulatory Enforcement Act, 5 U.S.C. 804. This rule does not result in an annual impact on the economy of \$100 million or more per year; a significant increase in costs or prices; or have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of US-based companies to compete with companies based abroad on domestic or export markets. G. Paperwork Reduction Act This rule does not contain any information collection requirements that are required under the Paperwork Reduction Act, 44 U.S.C. 3507 et seq of Subjects List of Subjects 41 CFR Part 105-57 End List of Subjects Start Signature Dated July 2, 2003. Kathleen M Turco, CFO, CFO. Termination of the signature For the reasons set out in the preamble, the GSA has been replaced by the GSA in accordance with Article 41 CFR 105-57. Review definitions 105-57. 105-57.002. 105-57.003 General rule. 105-57.004 Notification requirements. 105-57.005 Hearing. 105-57.006 Payroll order. 105-57.007 Employer i. 105-57.008 Withheld amounts. 105-57.009 Exclusions from garnish. 105-57.010 Financial difficulties. 105-57.011 Finish Garnish. 105-57.012 Actions prohibited by the employer. 105-57.013 Refunds. 105-57.014 Right of action. Start Authority 5 U.S.C. §§ 552-553, 31 U.S.C. 3720D, 31 CFR part 285.11. The ultimate authority is designed, authority is the competence and scope. (a) This section provides standards and procedures for GSA to collect the money from the debtor's available salary through administrative pay coverage in order to meet non-tax debts to the United States. (b) These standards and procedures shall be permitted in accordance with the provisions of 31 U.S.C. 3720D and the Ministry of Finance's Wage Decoration Code of 31 CFR at 285.11. (c) Scope. 1. This Section shall apply to all GSA programmes which: non-tax debt to the United States, which continues to recover such debt. 2. This Part shall apply notwithstanding any provision of State law. 3. Nothing in this section shall preclude the risk of risk to the debt or the suspension or termination of the recovery procedure in accordance with the applicable legislation. See, for example, the Federal Claims Collection Standards (FCCS), 31 CFR 900 through 904. (4) The receipt of payments under this Part does not preclude GSA from taking other debt recovery remedies, including compensation for federal payments to meet non-tax debts owed to the United States. The GSA may enforce such claims recovery remedies separately or in connection with administrative pay. 5. This Part shall not apply to the collection of non-tax debts owed to the United States by federal employees arising out of federal employment. Federal payments are subject to federal payment compensation procedures and other applicable laws as defined in 5 U.S.C. 5514. GSA standards and procedures for offsetting federal wage payments are included in Section 41 CFR 105-56. (6) In this section, nothing obliges GSA to reiterate notices or administrative procedures required by the contract or other law or regulation. Definitions. (a) Administrative compensation as defined in 31 U.S.C. 3701(a) (1) means funds payable to or held by a person by funds payable by the United States (including funds payable by the United States on behalf of a state government). (b) The working day shall be Monday to Friday, except for federal statutory holidays. For calculation purposes, the last day of the period will be included, unless it is a federal legal holiday. (c) The day shall mean a calendar day. For calculation purposes, the last day of the period is included, unless it is a Saturday, Sunday or federal legal holiday. (d) The debtor is an individual who owes a non-tax debt to the United States. (e) late or late untreated debt: untreated debt which is the original written demand for payment or applicable agreement of GSA, or 41292(f) The available payment means that the debtor's compensation remains from the amount remaining from the employer after deduction of health insurance premiums and statutory amounts, including, but not limited to, payment, bonuses, commissions and leave payments. For the purposes of this Part, amounts to be withheld by law include deductions such as social security taxes and withholding taxes, but not amounts withheld under the court order. (g) Employer means a person or organisation which employs the services of others and which Payments. The term employer includes, but is not limited to, state and local governments, but does not include the federal government's office as defined in Part 285.11 c of the CFR. (h) Proof of service: information preserved by GSA indicating the nature of the document to which it relates, the date on which the document is lodged and to whom the document is submitted. Proof of service may be preserved electronically or otherwise, provided that the method of retention is sufficient for the purpose of proof. (i) Financial difficulties: inability to cover the basic cost of living of goods and services necessary for the survival of the debtor, his spouse and dependants. See§ 105-57.010 of this section. (k) For the purposes of the standards in this Section, the terms claim and debt are synonymous and interchangeable. They refer to funds, money or assets that the GSA must be an organization or entity of any person in the United States, except from another federal agency, from sources that include loans granted or guaranteed by the United States, as well as all other U.S. fees, leases, rentals, royalties, services, real or personal property sales, overpayments, penalties, damages, interest, fines, and forfeite, as well as debts handled by third parties as agents of the federal government. For the purposes of administrative compensation under 31 U.S.C. 3716, the term claim and debt includes a person's money, funds or assets (including state-enforced overdue support), the District of Columbia, Samoa, Guam, the Virgin Islands of the United States, the Community of the Northern Mariana Islands, or the Commonwealth of Puerto Rico. (j) For the purposes of the standards in this Section, the terms GSA and agency are synonymous and interchangeable, unless otherwise specified. (m) For the purposes of the provisions of this Part, unless otherwise specified, the Secretary shall mean the Minister of Finance or the Secretary's delegate. (n) Garnishing: withholding amounts from the employee's available salary and paying those amounts to GSA by complying with the withholding tax order. (o) hearing means a review of documentary evidence of the existence and/or amount of the debt and/or of the terms of the repayment schedule, provided that such repayment schedule is not determined by a written agreement concluded under this Part. If the hearing officer considers that disputes cannot be resolved solely by reviewing the written minutes, e.g. the question of the authenticity or veal of the debt, an oral hearing may be granted. (p) At the hearing, official shall be the arbiter/judge of the GSA Board of Appeal. (q) The Retention Order is a pay order issued by the GSA (SF 329B). For the purposes of this Part, the terms pay order and garnish order shall have the same meaning as the term maintenance order. r) In this section, the words number include the singular and vice versa, and the words representing the male kind include feminine words, and vice versa. It includes and includes terms that do not exclude cases not listed, but do not include cases which belong to the same general class. If the GSA finds that an individual owes a debt, the Agency may initiate administrative proceedings to pay off the criminal debtor's wages. Notification requirements. (a) GSA shall send a first-class post, one-day delivery service or hand delivery to the debtor's last known address at least 30 days before the start of the garnishing procedure, informing the debtor that: (1) the nature and amount of the debt; (2) GSA intends to initiate proceedings to recover the debt by means of deductions from the debt until the debt and all accrued interest, penalties and administrative costs have been paid in full; and (3) The debtor's rights, including those set out in point (b) of this Section, and the time limit within which the debtor may exercise his rights. (b) The debtor shall have the possibility to: (1) verify and copy the Agency's debt records; (2) concluding a written repayment agreement with GSA on terms acceptable to the Agency; and (3) The contract part is 105-57.005. However, the debtor shall not be entitled to be heard on the terms of the proposed repayment schedule if these conditions are set out in section (b)(2)(c) The notice provided for in this section is also set out in the letter of formal notice required by GSA 41 CFR 105-55.010. (d) The GSA shall keep a copy of the delivery certificate, indicating the date on which the notification was lodged. Evidence of service may be retained electronically provided that the method of preservation is sufficient for the purposes of proof. Hearing. (a) GSA shall submit a hearing, which may be oral or written at the hearing at the choice of the official, within fifteen (15) working days of the submission of the notification by GSA (15) E.D., the debtor submits a written request for a signed and dated hearing to the official named in the notice of the existence and/or amount of the debt and/or the terms of the repayment schedule (repayment note) the following shall be replaced by the following: 105 to 57.004 of this Part: A copy of the request for a hearing shall also be sent to the GSA Board of Appeal for the types of hearing or review referred to in point (b) of this section. 1. For the purposes of this Section, when the GSA is required to provide the debtor with a hearing, the hearing officer shall provide the debtor with a reasonable opportunity to be heard orally when he finds that the issues at issue cannot be resolved by reviewing the documentary evidence, for example if 41293(2) If the hearing officer considers that the oral hearing is appropriate, he will determine the time and place of the hearing. The oral hearing may be held in person or by telephone conference at the choice of the debtor. Personal hearings shall be conducted at GSA's Head Office, the office of hearing officers at 1800 F St. NW., Washington, D.C. in 20405, or at another location designated by the hearing officer. All personal and travel expenses incurred in connection with the debtor's personal interview shall be borne by the debtor. All telephone charges raised during the hearing will be the responsibility of the GSA. 3. The debtor may represent himself or be represented at the hearing by another person of his choice. GSA does not reimburse the debtor for representation expenses, including attorney's hours, travel expenses or the cost of reproduction of documents. 4. In cases where this section does not provide for an oral hearing, the hearing officer shall nevertheless hold a paper hearing, i.e. the official attending the hearing shall decide on the issues at issue on the basis of a review of the written minutes. The hearing officer shall set a reasonable time limit for the submission of evidence. (c) subject to point (k) of this Section: if the debtor's written application is made by GSA in case 105-57.004.(d) If the debtor's written request for a hearing is made by GSA in the case of the application referred to in 105 to 57.004, the debtor shall be heard by the debtor. However, the GSA shall not defer the issue of a detention order unless the Agency finds that the delay in submitting the application consisted of factors or the GSA receives information which the Agency considers to justify the delay or cancellation of the detention order. (e) After the debtor has asked for a hearing, the hearing officer shall notify the debtor: (1) The date and time of the telephone hearing; (2) the date, time and place of the personal oral hearing; or (3) The deadline for lodging evidence of a written hearing. (f) Burden of proof. 1. The GSA shall be responsible for determining the existence and/or amount of the debt. 2. Subsequently, if the debtor disputes the existence and/or amount of the debt, with the predominance of the evidence, that there is no debt or that the amount owed is incorrect. In addition, the debtor may submit evidence that the terms of the repayment schedule are unlawful, cause financial difficulties for the debtor or that recovery of the debt cannot continue due to legal operation. (g) The hearing officer shall keep a written transcript of the hearings provided for in this section. The transcript will be made available to either party if an appeal is lodged under the Administrative Procedure Act (U.S.C. 701-706). The hearing does not have to be a formal hearing of an evidentiary nature, however, witnesses testifying at oral hearings do so under oath or through confirmation. (h) The hearing officer shall issue a written opinion as soon as possible and at the latest sixty (60) days after the GSA has received an application for such a hearing, in which he shall issue his decision as soon as possible. If the hearing officer is unable to order the debtor by hearing and take a decision within 60 days of receipt of the request for a hearing— (1) the GSA shall not give a detention order to hold the hearing and until the decision has been taken; or 2. If the GSA has previously issued a retention order to the debtor's employer, the Agency shall, on the 61st day following receipt of the request for a hearing, submit to the Court a report on the application for the application for a hearing. The written decision shall contain— (1) a summary of the facts presented; 2. The hearing officer's findings, analyses and conclusions; and 3. Where appropriate, the terms of the repayment schedules. (j) The decision of the official at the hearing will be the Agency's final measure for judicial review under the Law on Administrative Procedure (5 U.S.C. 701 and seq.). (k) In the absence of sufficient grounds, the debtor who does not appear at the hearing envisaged under (e) of this Section or who submits a written submission within the time limit laid down by the hearing officer shall be deemed to have resigned from the giving of evidence and his right to produce evidence. Payroll order. (a) Unless the GSA receives information it considers to justify a delay in the detention order the Agency shall send it by first-class post, service of service or manual service, SF 329A (Letter to the employer and important notice), a SF 329B (pay order), an SF 329C (pay worksheet) and an SF 329D (employer's certificate) to the debtor's employer— (1) the debtor does not submit a request for a hearing in time (i.e., 105-57.004 of this Part, or (2) If the debtor submits an application for a hearing in time, within 30 days of the final decision of the official at the hearing, on the conduct of the lay-off. (b) A detention order sent to the employer under point (a) of this Section shall contain the signature or picture of his signature by the administrator or his agent. The order contains only the information necessary for the employer to comply with the retention order. This information shall include the name, address and social security number of the debtor and the retention and information instructions for sending the payments. Evidence of service may be retained electronically provided that the method of preservation is sufficient for the purposes of proof. Proof by the employer. The employer must complete and return the SF 329D (Employer's Certification) to GSA within the time limit set out in the instructions for the form. The certificate addresses issues such as information on the debtor's employment status and the available payment for withholding. Amounts withheld. (a) After receipt of the garnishing order issued under this Part, the employer shall deduct from all available payments to the applicable debtor during each payment period the amount of the garnish described in (b) of this Section. The employer can use SF 329C (Wage Decoration Worksheet) to calculate the amount to be deducted from the debtor's available salary. 41294 or (2) The amount laid down in Directive 15 U.S.C. 1673(a) (Restriction of decoration), which amounts to an amount by which the debtor's available salary exceeds 30 times the minimum wage. See 29 CFR 870.10 (c) If the debtor's payment is subject to a priority retention order, the following shall apply: (1) Unless federal law provides otherwise, retention orders issued under this Part shall be paid in the amounts set out in paragraph (b) of this Section and shall take precedence over other withholding tax orders subsequently served. Notwithstanding the above, the retention of family support orders the detention orders issued under this Part, or (ii) If the debtor owes more than one debt to GSA, the Agency may issue several retention orders, provided that the total amount exceeded by the debtor's payment for such orders does not exceed the amount set out in paragraph (b) of this Section. (d) An amount greater than that specified in points (b) and (c) of this Section may be withheld with the written consent of the debtor. (e) The employer shall immediately pay to GSA amounts withheld in accordance with the withholding tax order issued under this Part. (g) Any transfer or allotment of the employee's income shall be for nothing if it disrupts or prohibits the enforcement of a retention order issued under this Part, except for transfer or allocation under a family support judgment or order. (h) The employer shall withhold the corresponding amount from the debtor's wages for each wage period until the GSA is notified of the termination of the wage retention. The garnish order shall indicate the reasonable period within which the employer must start withholding wages, usually the first payday after the employer has received the order. However, if the first payday takes place within ten (10) days of receipt of the garnish order, the employer may start deductions on the second payday. (i) Payments received by a pay order shall be applied in the

following order: (1) To outstanding penalties. 2. Administrative costs incurred by GSA in collecting the debt. 3. Interest accrued on the debt shall be subject to the interest rate specified in the terms of the liability to arises or in the applicable law. 4. The outstanding sponsor. Exclusions from garnish. The GSA will not separate the wages of the debtor who it knows was involuntarily separated from employment until the debtor is continuously re-employed for at least 12 months. It is for the debtor to inform the GSA of the circumstances of the involuntarily separation from employment. Financial difficulties. (a) A debtor whose wages are subject to a wage retention order under this Part may at any time request GSA to are based on substantially changed circumstances such as disability, divorce or catastrophic illness causing financial difficulties. (b) A debtor requesting a review under point (a) of this Section shall submit to the debtor the basis for claiming the current amount as well as supporting documents. (c) In the event of financial difficulties, the GSA shall adjust the amount lost in accordance with the debtor's financial situation downwards by an amount acceptable to the Agency. The GSA shall notify the employer of any adjustment to the amounts to be withheld. I'm going to end the garnish. (a) As soon as the GSA fully pays the debtor's debts, including interest, penalties and administrative costs, in accordance with the FCCS, the Agency shall send the debtor's employer a notice of termination of the retention. (b) GSA shall review the accounts of its debtors at least annually to ensure that the type-typing of invoices paid in full has been terminated. Measures prohibited by the employer. The employer may not exempt, refuse to apply or take disciplinary action against the debtor on the basis of the issue of a retention order under this Part. See 31 U.S.C. 3720D(e). Refunds. (a) If a hearing officer is a hearing officer in accordance with Section 105-57.005(b) Unless required by federal law or contract, refunds under this Part shall not involve interest. Right of action. GSA may sue any employer for any amount that the employer does not withstand from the wages due and payable to the employee in accordance with § 105-057.006 and 105-57.008, as well as attorney's fees, costs and, where appropriate, punitive damages. However, the action may not be brought before the expiry of the recovery procedure concerning the debtor in question, unless an earlier notification is required in order to avoid the expiry of the applicable limitation period. For the purposes of this Part, the collection operation shall be terminated when the GSA has terminated the collection operation in accordance with the FCCS or other applicable standards. In any event, the termination of the recovery procedure should be deemed to have been completed if GSA has not received a payment from that debtor for one (1) year, whose wages have been partially or fully garnished. End of Section Additional Information [FR Doc. 03-17400 Filed 7-10-03; 8:45] BILLING CODE 6820-34-Fri 6820-34-P

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