

STATE OF ARIZONA EMPLOYEE WAGE GARNISHMENTS CREDITOR GARNISHMENTS



Frequently Asked Questions and Answers for State of Arizona employees

THESE FREQUENTLY ASKED QUESTIONS (FAQs) AND CORRESPONDING ANSWERS ARE NOT INTENDED TO BE LEGAL ADVICE. IF YOU HAVE ANY LEGAL QUESTIONS, YOU SHOULD OBTAIN LEGAL COUNSEL.

Where should garnishment documents be served?

STATE OF ARIZONA
DEPARTMENT OF ADMINISTRATION
100 NORTH 15TH AVENUE, SUITE 302
PHOENIX, ARIZONA 85007

What is the Contact Information for Garnishments?

EMAIL: GARNISHMENTS@AZDOA.GOV

PHONE: (602) 542-6082

FAX: (602) 364-2215

Document Submission Deadline:

Documents must be received by Central Payroll by 12:00 PM (noon) the Tuesday before payday to be effective that payday.

What documents are you required to mail to me?

A.R.S. § 12-1598.08 requires us to deliver the Answer of Garnishee, Notice to Judgment Debtor, and the Request for Hearing form to employees after being served with a Writ of Garnishment. A.R.S. § 12-1598.11 requires us to complete and deliver a Nonexempt Earnings Statement to employees after each pay period.

When will the garnishment be put in place?

A.R.S. § 12-1598.06 requires us to respond to the court within 10 days of being served and, pursuant to A.R.S. § 12-1598.05, immediately begin withholding any nonexempt earnings.

How will the garnishment deduction be calculated?

The amount deducted is calculated in accordance with Federal and State laws using the following formula:

Gross Earnings

- Taxes

- Retirement

- Long Term Disability

= Disposable Earnings

Disposable Earnings

X 25% (unless court orders a lesser amount)

= Nonexempt Earnings (Deduction Amount)

Deduction Amount = the lesser of Nonexempt Earnings or the Remaining Balance

What if I already have a garnishment, can wages be garnished by more than one creditor at a time?

Yes. However, the first garnishment, or higher priority garnishment, may limit the amount deducted for any other garnishments.

I have never received notification of the original debt or judgment, is this legal?

Any defenses or questions about the underlying judgment should be brought to the court's attention or legal advice sought. **Central Payroll has no authority to change or stop the garnishment.**

The garnishment amount is too high, can it be changed or reduced?

Any agreement for a reduction of the deduction amount must be requested of and ordered by the court. If you obtain a reduction or release, please send it to this office by fax at (602) 364-2215 or by email at Garnishments@azdoa.gov.

What is the deadline for submitted paperwork to change/stop a garnishment?

Documents must be received at Central Payroll by 12:00PM (noon) the Tuesday before payday to be effective for that payday.

What fees are being deducted from my pay by my employer (The State of Arizona)?

A.R.S. § 12-1598.15 permits a portion of the garnishment to be allocated to administrative costs. This office has asked the court to award a one-time, \$50 fee. Additionally, a \$5 fee is permitted to be charged each payroll for the mandatory Nonexempt Earnings Statement (NES) supporting the garnishment deduction calculation, which is prepared and posted in Y.E.S. under Pay Documents after each pay period.

I did not receive any documents in the mail, can you email them?

Central Payroll cannot email any garnishment documents because we are required to mail them to your mailing address. You can always confirm or change your mailing address at any time by logging in to the Y.E.S. website at www.yes.az.gov.

Additional References:

CCPA: <http://www.dol.gov/whd/regs/statutes/garn01.pdf>

Arizona Revised Statutes (ARS §12-1598 et. seq.): <http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=12>