

## Human Resources

# Q & A

This column is sponsored by the Lower Columbia Human Resource Management Association. LCHRMA represents a gathering of Human Resources professionals. Join us each month for a luncheon and training that covers many aspects of employment law and human resources.

**JANUARY 4, 2017:** John Anglim, True North Learning - Intro to CRUCIAL CONVERSATIONS - January 4, 11:30am - 1:00 at Buoy Beer Company, 1 8<sup>th</sup> Street Astoria.  
**FEBRUARY 8:** Denise Downs, Denise Downs Consulting; HR INVESTIGATIONS - 11:30am - 1:00 at Buoy Beer Company, 1 8<sup>th</sup> Street Astoria.

Please register online. [www.lchrma.org](http://www.lchrma.org)

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### HR Questions and Answers:

***Q. Does the law set a limit on the amount of wages subject to garnishment?***

**A.** Yes. The maximum is generally 25% of the employee's disposable earnings (net after taxes), so long as the employee is left with at least \$218 per week after the garnishment - see [ORS 18.385](#) and [29 CFR § 870.10](#) regarding other pay period intervals and additional requirements. Garnishments are subject to the priority of orders of a bankruptcy court or for items like child support, and taxes - the limits listed above are applied only after the employer withholds the ordered support, to the extent there are wages left to satisfy the garnishment beyond those limits. Child support withholdings are calculated by the court ordering the support according to the provisions of ORS 25.414.

***Q. What do we do if we receive multiple garnishments for the same employee? Which garnishment takes precedence?***

**A.** ORS 18.627 requires employers to respond to garnishments in the order received, or "first in time, first in right". If the first writ does not garnish all available non-exempt wages, then the employer must process the second writ (and then the third, etc.) concurrently to capture any remaining wages up to the prescribed limit. In addition to child support orders, state and federal tax levies may also take priority over other garnishments. Employers are urged to consult with counsel in determining the priority of child support orders and tax liens.

***Q. Can an employer fire an employee because his or her wages are garnished?***

**A.** No. It is an unlawful employment practice to terminate an employee because of a garnishment or a support order. ORS 18.385(9); ORS 25.424(6)(a).

**Disclaimer:** No response to the above queries is intended as legal advice. The answers are general answers based on general questions. If you need legal advice, please consult an attorney.