

## Legal Briefs

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## GARNISHMENTS



An added expense for contractors is the bookkeeping cost of dealing with garnishments against employees'

wages. A "garnishment" is a writ issued on behalf of a creditor who has a court judgment against an employee. The garnishment claims a portion of wages owed or to be paid to an employee by the employer. The employer must calculate the amount to be paid to the creditor, file a reply to the garnishment, and send the garnished portion to the creditor.

The following are the most commonly asked questions relating to garnishments:

- 1. Can an employer charge an employee an administrative fee to recover the cost of compliance?** No, under ORS 25.424(3) an employer violates state law if it discharges or "in any other manner discriminates, retaliates or takes disciplinary action" against an employee due to garnishments.
- 2. What happens if an employer just ignores the garnishment?** An employer that does not respond may be

liable to the creditor for the amount of wages owed by the employer, as well as additional costs. The employer must file a response to the garnishment within 7 days of receipt of the garnishment.

- 3. How long is a garnishment effective?** The garnishment garnishes wages owed but not yet paid as of the date of its receipt, as well as wages earned for 90 days afterward.
- 4. When must the garnished amounts be paid to the garnishing creditor?** At each time the employer would otherwise pay wages to the employee.
- 5. What portion of the employee's wages is exempt from a garnishment?** The employer makes this calculation using a Wage Exemption Calculation form supplied as part of the garnishment; the normal amount exempt from garnishment is 75 percent of the employee's net take-home wages.
- 6. What if an employer receives more than one garnishment against a single employee?** Between two writs of garnishment, the first garnishment received has priority until it has been satisfied or expires. However, when the remaining balance due on the first garnishment becomes less than 25 percent of net wages, then a simultaneous payment upon the second garnishment may also be required.

2008 SMACNA Oregon  
PAC Fundraising Update  
Funds Goal = \$10,000  
Funds Raised = \$6,350

## SMACNA PAC UPDATE

Our recent fundraising campaign for SMACNA PAC has netted over \$6,300 in new funds to support key political candidates in Oregon. These new funds, combined with funds raised last year, have allowed us to support 21 candidates for state and local offices this year.

However, we have not reached our goal of \$10,000 yet and there are a number of candidates with post election campaign debts who we would like to help.

There is still time for corporate or personal contributions to be made to your PAC. Please join the following Columbia Chapter members in defending our industry's interests!

## 2008 SMACNA PAC Contributors:

### **Streimer Sheet Metal**

Alliant Systems  
FM Sheet Metal  
General Sheet Metal  
**C. J. Hansen Company**  
Harvey & Price  
Temp Control Mechanical  
The Lynch Company  
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*Those listed in bold contributed more than the requested target contribution!*