

## 15.130 WAGE GARNISHMENTS

### **Reference:**

Procedure 13.107 - Evaluation Supplement Log  
Manual of Rules and Regulations - 1.33  
Ohio Revised Code 2716.05 and 3113.213  
Public Employees Assistance Program (PEAP)

### **Definitions:**

**Garnishment:** A stoppage of a specified sum from an individual's wages to satisfy a creditor. It is a result of a judgment obtained against an employee in a court of record.

**Creditor:** A person or company to whom money or goods are owed.

### **Purpose:**

Ensure integrity in the police operation.

Provide employees with appropriate incentive to deal responsibly with their personal finances.

### **Policy:**

Employees will not undertake any financial debts which they know or should know they cannot meet. Employees will pay all legally enforceable debts when due. The Police Department will make a reasonable effort to enable employees to get help in dealing with financial problems before invoking disciplinary sanctions.

Nothing in this procedure prevents the Police Department from invoking disciplinary sanctions against a garnished employee. The Police Department will not discipline or dismiss an employee garnished for child support or alimony per ORC 3113.213.

The Police Department encourages employees with financial problems to seek help on a voluntary basis through the Public Employees Assistance Program (PEAP).

The Police Department will not discipline or dismiss an employee for only one credit garnishment.

An assignment transfer is appropriate when the employee's current assignment provides an easy opportunity for the employee to be financially compromised because of garnished wages.

### **Information:**

State law requires the Treasurer's Office to withhold up to 25% of the employee's disposable income (gross pay minus deductions required by law) to satisfy the creditor.

The Treasury notice of garnishment includes the number of garnishments received against the employee within the last 12 months. Each separate garnishment is counted, even if they all arose from the same debt.

The City of Cincinnati pays for services provided to City employees by PEAP. Employees may call PEAP for telephone consultation or set up a private meeting for financial counseling. The services provided by PEAP include assessment of current financial crisis, review of past due and current bills, and discussion of options available to resolve immediate and long-term problems. Several referral agencies include The Trusteeship Program, United Way, and Debtors Anonymous.

***Procedure:***

**A. Garnishment Notice**

1. The Internal Investigations Section (IIS) is responsible for tracking garnishments. When the Police Department receives notice from the Treasurer, the IIS Commander will forward the garnishment papers along with a cover Form 17 through the chain of command. The division commander will forward the garnishment papers to the affected employee's district/section/unit commander.
  - a. The employee's district/section/unit commander will ensure prompt service of the garnishment papers on the employee.
    - 1) The serving supervisor will indicate service on the cover Form 17 and return the form to IIS through channels.

**B. Disciplinary Actions Involving Garnished Employees**

1. A first credit garnishment will result in an entry in the employee's Evaluation Supplement Log (ESL). The employee's unit supervisor will refer the employee to PEAP for financial counseling on a voluntary basis.
2. A second garnishment within 36 months will result in a written reprimand. IIS will prepare the written reprimand and send it through channels for service upon the employee. The employee's unit supervisor will prepare and serve a PEAP referral on the employee for mandatory financial counseling.
  - a. A copy of the PEAP referral will be returned to IIS with the other paperwork.
  - b. The unit supervisor issuing the PEAP referral will check with PEAP after thirty days to confirm the employee utilized the referral and attended a financial counseling session. The unit supervisor will request a confirmation letter from PEAP which will be forwarded to IIS.
3. Three or more garnishments within 36 months will result in a Disciplinary Hearing for the employee.

- a. IIS receives wage garnishment paperwork and sends it through proper channels to the employee's unit of assignment.
- b. IIS will prepare a Form 17 requesting appropriate disciplinary action and forward it to the Police Chief for approval.
- c. The employee's supervisor will serve the garnishment papers and a PEAP referral upon the employee and forward the completed forms through the chain of command.