

16VAC15-21-30. Calculation of maximum garnishment amounts for an ordinary debt.

A. Weekly earnings.

1. If the amount of weekly disposable earnings equals 40 times the F.M.W.R. or less, nothing may be withheld for garnishment.

2. If the weekly disposable earnings exceed 40 times the F.M.W.R., the maximum amount that can be withheld for garnishment shall be either 25% of the weekly disposable earnings or the amount by which the weekly disposable earnings exceed 40 times the F.M.W.R., whichever is less, so long as the amount withheld does not reduce the weekly disposable earnings below 40 times the F.M.W.R. Based on a federal minimum wage rate of ~~\$5.15~~ 5.85 per hour, 40 times the F.M.W.R. is ~~\$206.00~~ 234.00. Thus, as of ~~August 15, 2005~~ July 24, 2007, if the weekly disposable earnings are less than or equal to ~~\$206.00~~ 234.00, nothing may be withheld for garnishment. An increase in the F.M.W.R. will increase the amount of weekly disposable earnings that would be shielded from garnishment.

B. Biweekly earnings. The maximum amount which may be withheld for garnishment from biweekly earnings shall be calculated in the same manner as described for weekly earnings in subsection A of this section, except that the corresponding weekly amounts in subdivisions A 1, A 2 and A 3 of this section shall be multiplied by 2.

C. Semimonthly earnings. The maximum amount which may be withheld for garnishment from semimonthly earnings shall be calculated in the same manner as described for weekly earnings in subsection A of this section, except that the corresponding weekly amounts in subdivisions A 1, A 2 and A 3 of this section shall be multiplied by 2.16665.

D. Monthly earnings. The maximum amount of monthly disposable earnings which may be withheld for garnishment shall be calculated in the same manner as weekly earnings in subsection A of this section, except that the corresponding weekly amounts in subdivisions A 1, A 2, and A 3 of this section shall be multiplied by 4.33330.

E. Earnings for a period of more than one month. The maximum amount which may be withheld in garnishment for work periods in excess of one month shall be calculated in the same manner as described for weekly earnings in subsection A of this section, except that the corresponding weekly amounts in subdivisions A 1, A 2 and A 3 of this section shall be multiplied by the number of weeks worked. The number of weeks worked shall be calculated by dividing the total number of days in the period worked by 7, calculated to 4 decimal places.

Statutory Authority

§34-29 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 15, Issue 17, eff. June 15, 1999; amended, Virginia Register Volume 22, Issue 4, eff. December 1, 2005.

Effect of Amendment

The December 1, 2005 amendment rewrote subsec. A, which read:

"A. Weekly earnings.

"1. If the amount of weekly disposable earnings equals 30 times the F.M.W.R. or less, nothing may be withheld for garnishment.

"2. If the amount of weekly disposable earnings equals more than 30 times the F.M.W.R., but is less than 40 times the F.M.W.R., then the amount above 30 times the F.M.W.R. may be withheld for garnishment.

"3. If the weekly disposable earnings equals or exceeds 40 times the F.M.W.R., or more, then a maximum of 25% of the disposable earnings may be withheld for garnishment."

CHILD LABOR