

CCPA-75

April 16, 1981

Thank you for your letter enclosing correspondence from your constituent, ***, concerning her husband's employment termination.

*** alleges that her husband's employment was terminated illegally because the garnishment leading to his employment termination was declared null and void several months after his employment had been terminated. She states that the employment termination was, therefore, illegal as no garnishment was in effect at the time of his discharge.

Title III of the Consumer Credit Protection Act (also known as the Federal Wage Garnishment Law), limits the amount of an employee's disposable earnings which may be garnished in any one week, and protects the employee from discharge because of garnishment for any one indebtedness. The major provisions of this law are explained in the enclosed copy of Wage-Hour Publication 1324, which you may wish to send to your constituent.

As explained on pages 9 and 10 of the pamphlet, section 304(a) of Title III provides that no employer may discharge any employee by reason of the fact that his or her earnings have been subjected to garnishment for any one indebtedness. We consider the words "one indebtedness" as meaning a single debt, regardless of the number of levies made or the number of proceedings brought for its collection. Thus, we recognize the distinction between a single debt and the garnishment proceedings brought to collect it. After garnishment proceedings have been made effective as to one debt, the law does not prohibit discharge when another garnishment proceeding is made effective pursuant to a second debt.

*** submitted a similar inquiry near the end of 1977 to Senator Jennings Randolph. In our response to him on January 13, 1978, we stated since her husband had several garnishments for separate debts prior to the garnishment in question, it would not appear that her husband was discharged solely for this last garnishment.

We regret that we are unable to be of assistance to your constituent in this matter.

Sincerely,

Henry T. White, Jr.
Deputy Administrator