

vs.	Plaintiff(s),)	
)	
)	
)	
)	
)	
)	
	Defendant(s).)	CASE NO. _____
_____)	

**EMPLOYER'S RESPONSE TO WRIT OF
EXECUTION FOR GARNISHMENT
OF EARNINGS**

AS 09.35.110; AS 09.40.060
AS 09.38.030-.045
15 USC § 1673, 8 AAC 95.030

6. The employee is entitled to a weekly exemption of either \$473 (under Alaska law²) or 75% of the employee's weekly net earnings (under federal law), whichever is more.³ To determine the amount which can be garnished, compute the following:

a. Weekly net earnings: \$ _____ minus \$ 473.00 = \$ _____

b. Weekly net earnings: \$ _____ times .25 = \$ _____

c. The smaller of the above two amounts is: \$ _____

- d. Other garnishments. List any other garnishments of the employee's earnings currently in effect:

<u>Court or Agency Order</u>	<u>Weekly Amount Taken</u>
_____	\$ _____
_____	\$ _____
Total:	\$ _____

- e. Amount That Can Be Garnished Each Week on this Writ.

Subtract "d" from "c:" \$ _____

If your pay period is not weekly, adjust the amount garnished accordingly.

Pay period is ☐ weekly ☐ biweekly ☐ twice a month ☐ monthly ☐ _____

Amount to be sent to the court each pay period: _____

7. Does employee's weekly salary vary depending on hours worked or commissions?
☐ Yes If yes, you must recalculate the amount that can be garnished each pay period.
☐ No

8. Are employee's earnings currently being garnished up to the legal limit by a former lien?
☐ Yes ☐ No

Previous lien(s) is/are expected to terminate on _____.
(date)

If employee's earnings are subject to a lien from a previous *Writ of Execution for Garnishment of Earnings*, you must continue paying on that writ until it has been satisfied or otherwise terminated, at which time this writ will be in full force and effect until the TOTAL AMOUNT DUE stated on the writ is paid in full. If the previous writ does not take the entire amount available for garnishment, you must begin paying the

² AS 09.38.030 states that the weekly amount is \$350. However, AS 09.38.115 requires the Department of Labor to change that amount based on changes in the consumer price index. So, the actual amount of the exemption (currently \$473) is set in Department of Labor regulation 8 AAC 95.030. Note: AS 09.38.050 allows the court to increase the exemption amount under the circumstances described in that statute.

³ The employee is also entitled to a federal weekly exemption of 30 times the federal minimum wage if that amount exceeds the 75% exemption. 15 USC 1673. The current hourly minimum wage is \$7.25. 29 USC 206(a)(1). That calculation is not included on this form because the Alaska weekly exemption is larger than the federal "30 times minimum wage" exemption.

court the amount calculated in #6e for the enclosed writ and recalculate that amount when the prior writ or withholding order terminates.

9. If the answer to #8 was No, then commencing immediately, the service of this *Writ of Execution for Garnishment of Earnings* upon you creates a continuing lien against the debtor's earnings.

You must send to the court at the address shown on page one of this form the amount in #6e each payday until a) the TOTAL AMOUNT DUE shown on the *Writ of Execution for Garnishment of Earnings* has been paid; b) the employment relationship has been terminated; or c) you have been instructed by the court that the judgment has been vacated, modified or satisfied in full, or the writ has been dismissed. The amount you send to the court may vary depending on the amount earned by the employee each week.

NOTE: Federal law prohibits employers from discharging any employee because the employee's earnings have been garnished for any one indebtedness. 15 USC § 1674.

10. Costs and interest which accrue after the date the attached writ is issued may be collected by a supplemental notice or supplemental writ issued after the total amount stated on the attached writ has been paid.
11. All checks paid to the court must be payable to the "Clerk of Court" and MUST SHOW THE CASE NUMBER which is written near the top of page one of this form.

12. _____
Employer's Name

Form completed by: _____
Signature Date

Name and Title (print)

Employer's
Address: _____

Phone: _____

Fax No. _____

Distribution of copies:

1. Original to be filled out by Employer and returned to the court.
2. Employer's copy.
3. Employer sends this copy to Creditor (if a self-addressed stamped envelope is provided).
4. Employer gives this copy to Debtor (employee).