6-23/300.00 Public Entity Employer

A plaintiff should be made aware that where the earnings withholding order is not served on the proper official, it may be ineffective. However, the officer should not delay in making the service as instructed by the judgment creditor's attorney.

• 6-23/310.00 County or City Employer

Where the defendant is employed by a county or city or other district or public corporation, the auditor or an official whose duty corresponds to that of auditor (controller, etc) should be served. Except as otherwise expressly provided by law, the earnings of a public officer or employee may only be withheld pursuant to the Wage Garnishment Law. Therefore an earnings withholding order will be served upon the state or its subdivision the same as any other employer.

• 6-23/320.00 State Agency Employer

In the case of a state employee, the office from which the employee is paid does not include the Controller's Office unless the employee works directly for the Controller's Office. (CCP 706.101(a)(1)) A state department, board, or commission should be served directly, which in most cases will be in Sacramento. However, some state departments have their headquarters in other counties, such as the Los Angeles County Metropolitan Transportation Authority, which should be served in Los Angeles County.

• 6-23/330.00 Federal Government Employer

Generally, the United States Government is not subject garnishment (Buchanan v. Alexander, 45 U.S. 20, 4 Howard 20; U.S. v. Morton, 467 U.S. 822, 104 S.Ct. 2769). However, federal law honors a garnishment for wages in the same manner and to the same extent as if the federal agency employer was a private person. (EXECUTIVE ORDER NO. 12897)

• • 6-23/330.10 Child and Spousal Support

Payments made to federal employees are subject to levy under a writ of execution issued for alimony or child support obligations. (42 USC §659)

• • 6-23/330.20 Other Debts

The pay of a federal employee may be garnished as in the same manner and the same extent as a non-federal employee. (5 USC §5520a)

• • 6-23/330.30 Service of Earnings Withholding Order

There are no special documents required for service on the federal government other than that which is required by California law. However, in order to avoid a failure to honor a support earnings withholding order by the agency served, the creditor should provide the sheriff with a certified copy of the judgment showing that it is for alimony or support in addition to the original writ and application for earnings withholding order.

Federal law requires service by certified or registered mail, return receipt requested, or by personal service, upon the appropriate designated agent or the head of such agency, if no agent has been so designated. The process shall be accompanied by sufficient information to permit prompt identification of the employee and the payments involved. The agent for service shall respond within thirty days after the date effective service and shall, as soon as possible but not later than fifteen days after the date effective, send written notice to the affected employee at the employee's duty station or last-known home address. (5 USC §5520a)

The earnings withholding order should include the full name, social security number and date of birth, if available and, in the case of military personnel, the branch of service, rank or grade, and if known, the name and location of current duty station.

It is the responsibility of the creditor to provide the name and address for service. The authorized agents for service of wage garnishments are listed in the Code of Federal Regulations, Title 5, Parts 581 and 582, Appendix A which is available on the internet.

• 6-23/340.00 Frequently Served Federal Agencies

• • 6-23/340.10 United States Department of Defense

The Department of Defense, pursuant to 5 USC 5520a, may collect a fee for processing garnishments against Department of Defense civilian employees and involuntary allotment applications against active duty military members to satisfy debts other than for alimony or child support. The fee is $75.00, and will be collected from the monies payable to the creditor at the time the garnishment or involuntary allotment is first instituted.

Unless specifically listed below, all military members (active, retired, reserve, and national guard), and all civilian employees of the Department of Defense:

Assistant General Counsel for Garnishment Operations, Defense Finance and Accounting Service, Cleveland Center--Code L (DFAS-CL/L),

P.O. Box 998002

Cleveland, OH 44199-8002, (216) 522-5301

Air Force

Non-appropriated fund civilian employees of base exchanges:

Army and Air Force Exchange Service, Attention: FA-F/R

PO Box 650038

Dallas, TX 75265-0038, (214) 312-2119

Non-appropriated fund civilian employees of all other Air force nonappropriated fund activities:

Office of Legal Counsel, Air Force Services Agency

10100 Reunion Place, Suite 503

San Antonio, TX 78216-4138, (210) 652-7051

Army

Civilian employees in Germany:

Commander, 266th Theater Finance Corps, Attention: AEUCF-CPF

Unit 29001, APO AE 09007, 011-49-6221-57-7977/6044

Non-appropriated fund civilian employees of the Army:

Post Exchanges

Army and Air Force Exchange Service, Attention: CM-C-RI

P.O. Box 660202

Dallas, TX 75266-0202, (214) 312-2011

Marine Corps

Non-appropriated fund civilian employees, process may be served on the commanding officer of the activity concerned.

Navy

Military Sealift Command Pacific Mariners:

Office of Counsel (Code N2), Military Sealift Command, Pacific, 280

Anchor Way, Suite 1W

Oakland, CA 94625-5010

Military Sealift Command Atlantic Mariners:

Office of Counsel, Military Sealift Command, Atlantic

Military Ocean Terminal, Building 42

Bayonne, NJ 07002-5399

Non-appropriated fund civilian employees of Navy Exchanges or related non-appropriated fund instrumentalities administered by the Navy Resale Systems Office:

Commanding Officer, Navy Exchange Service Command

3280 Virginia Beach Blvd., Virginia Beach

VA 23452, (804) 631-3614

Non-appropriated fund civilian employees at Navy clubs, messes or recreational facilities:

Chief of Navy Personnel, Director, Morale, Welfare, and Recreation Division (MWR)

Washington, DC 20370, (202) 433-3005

Non-appropriated fund personnel of activities that fall outside the purview of the Chief of Navy Personnel or the Commanding Officer of the Navy Exchange Service Command, such as locally established morale, welfare and other social and hobby clubs, such process may be served on the commanding officer of the activity concerned.

• • 6-23/340.20 Bureau of Alcohol, Tobacco, Firearms and Explosives

Chief Counsel

650 Massachusetts Avenue, NW., Room 6100

Washington, DC 20226, (202) 927-7772

• • 6-23/340.30 Coast Guard

Commanding Officer (LGL), Coast Guard Human Resources, Service and Information Center

444 SE. Quincy Street

Topeka, KS 66683-3591, (785) 357-3595

Federal Aviation Administration

Agent designated to accept legal process issued by courts in the States of Hawaii, Arizona, Nevada, and California:

Assistant Chief Counsel, AWP, Federal Aviation Administration

PO Box 92007

World Postal Center

Los Angeles, CA 90009, (310) 297-1270

• • 6-23/340.40 Internal Revenue Service

Chief, Special Processing Unit, Garnishing Processing Center

214 North Kanawha Street

Beckley, WV 25801, (304) 256-6200

• • 6-23/340.50 Post Office

United States Postal Service and Postal Rate Commission

Manager, Payroll Processing Branch

1 Federal Drive

Ft. Snelling, MN 55111-9650, (612) 293-6300

• • 6-23/340.60 Social Security Administration

Chief, Payroll Operations Division, Attn.: Code D-2640

Bureau of Reclamation, Administrative Services Center, Department of the Interior

P.O. Box 272030

Denver, CO 80227-9030, (303) 969-7739

For the garnishment of benefits under Title II of the Social Security Act, legal process may be served on the office manager at any Social Security District or Branch Office. The addresses and telephone numbers of Social Security District and Branch Offices may be found in the local telephone directory.

• • 6-23/340.70 Department of Veterans Affairs

The fiscal officer at each Department of Veterans Affairs (VA) facility shall be the designated agent for VA employee obligors at that facility. When a facility at which an individual is employed does not have a fiscal officer, the address and telephone number listed is for the fiscal officer servicing such a facility. In those limited cases where a portion of VA service-connected benefits may be subject to garnishment, service of process, unless otherwise indicated below, should be made at the regional office nearest the veteran obligor's permanent residence.

Fiscal Officer, Long Beach Medical Center

5901 East Seventh Street

Long Beach, CA 90822, (213) 498-1313, ext. 2101

Fiscal Officer, Los Angeles Regional Office, Federal Building

11000 Wilshire Blvd.

Los Angeles, CA 90024, (213) 209-7565

Los Angeles Data Processing Center, Send to:

Fiscal Officer, VA Regional Office, Federal Bldg.

11000 Wilshire Blvd.

Los Angeles, CA 90024, (213) 209-7565

Fiscal Officer, Los Angeles Medical Center--Brentwood Division

Los Angeles, CA 90073, (213) 478-3478

Fiscal Officer, Los Angeles Medical Center--Wadsworth Division

Los Angeles, CA 90073, (213) 478-3478

Fiscal Officer, Los Angeles Outpatient Clinic

425 South Hill Street

Los Angeles, CA 90013, (213) 894-3870

Los Angeles Regional Office of Audit, Send to:

Fiscal Officer, VA Medical Center--Brentwood Division

Los Angeles, CA 90073, (213) 824-4402

Los Angeles Field Office of Audit, Send to:

Fiscal Officer, VA Medical Center--Wadsworth Division

Los Angeles, CA 90073, (213) 478-3478

Los Angeles National Cemetery Area Office, Send to:

Fiscal Officer, VA Medical Center--Brentwood Division

Los Angeles, CA 90073, (213) 478-3478

Riverside National Cemetery Area Office, Send to:

Fiscal Officer, VA Medical Center--Wadsworth Division

Los Angeles, CA 90073, (213) 478-3478