

Wage Garnishment Law

Neb. Rev. Stat. §§25-1558 & 48-224
[Current Through End Of 2009 Regular Session]



State of Nebraska

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Department of Labor

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WAGE GARNISHMENT LAW

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WAGE GARNISHMENT LAW

TEXT OF THE LAW

25-1558. Wages; subject to garnishment; amount; exceptions. (1) Except as provided in subsection (2) of this section, the maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment shall not exceed the lesser of the following amounts:

- (a) Twenty-five percent of his or her disposable earnings for that week;
- (b) The amount by which his or her disposable earnings for that week exceed thirty times the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the time earnings are payable; or
- (c) Fifteen percent of his or her disposable earnings for that week, if the individual is a head of a family.

(2) The restrictions of subsection (1) of this section shall not apply in the case of:

- (a) Any order of any court for the support of any persons;
- (b) Any order of any court of bankruptcy under Chapter XIII of the Bankruptcy Act; or
- (c) Any debt due for any state or federal tax.

(3) No court shall make, execute, or enforce any order or process in violation of this section. The exemptions allowed in this section shall be granted to any person so entitled without any further proceedings.

(4) For the purposes of this section:

- (a) Earnings shall mean compensation paid or payable by an employer to an employee for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program;
- (b) Disposable earnings shall mean that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld;
- (c) Garnishment shall mean any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt; and
- (d) Head of a family shall mean an individual who actually supports and maintains one or more individuals who are closely connected with him or her by blood relationship, relationship by marriage, by adoption, or by guardianship, and whose right to exercise family control and provide for the dependent individuals is based upon some moral or legal obligation.

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(5) Every assignment, sale, transfer, pledge, or mortgage of the wages or salary of an individual which is exempted by this section, to the extent of the exemption provided by this section, shall be void and unenforceable by any process of law.

(6) No employer shall discharge any employee by reason of the fact that his or her earnings have been subjected to garnishment for any one indebtedness.

(7) In the case of earnings for any pay period other than a week, the Commissioner of Labor shall by regulation prescribe a multiple of the federal minimum hourly wage equivalent in effect to that set forth in this section.

Source: Laws 1869, §1, p. 170; G.S.1873, c. 57, §1021, p. 715; Laws 1907, c. 160, §1, p. 494; R.S.1913, §8105; C.S.1922, §9041; C.S.1929, §20-1559; R.S.1943, §25-1558; Laws 1969, c. 188, §1, p. 779; Laws 1972, LB 1032, §133; Laws 2001, LB 489, §4.

Operative date May 8, 2001.

48-224. Withholding of wages; when authorized. (1) Any employee of the State of Nebraska, any municipal corporation, or any public body or agency created by the laws of this state, who desires to participate voluntarily in any employee organization, credit union, or any community charity or public welfare plan approved by the Governor and the Director of Administrative Services, in the case of employees of the State of Nebraska, or by the duly elected governing body of such municipal corporation or other public body or agency, may execute an order authorizing the withholding from any wages or salary paid to such employee of a sum each month or pay period and the same to be paid to the designated recipient thereof. For purposes of this section, community charity includes any not-for-profit federation of health and human services agencies and associations.

(2) If a not-for-profit federation of health and human services agencies and associations is authorized pursuant to subsection (1) of this section, approval to similar not-for-profit federations shall also be granted on a similar equitable basis. For purposes of this subsection, a similar not-for-profit federation shall meet the following requirements:

(a) The federation has had an established office in the state for at least the last five years;

(b) The federation represents at least ten Nebraska-based health and human services agencies and associations in addition to the federation;

(c) The federation is a Nebraska corporation in good standing which holds a valid 501(c)(3) designation by the Internal Revenue Code;

(d) The federation and its agencies have an active, voluntary board which exercises administrative control over the federation and holds regular meetings; and

(e) The federation has a program focus and service delivery which is organized on either a statewide or regional basis.

Source: Laws 1967, c. 571, §1, p. 1878; Laws 1997, LB 622, §76.