

addition, another 10 employers reported they would fire employees on the fourth attachment and another 1 for the fifth. Of the 72 companies reporting on this question of firing only 13 or 18% did not fire employees for wage attachment. Of these thirteen employers 9 reported wage attachments were not a problem.

This data must be interpreted in the light of wage attachment law. As it is possible for one creditor to attach 50% of an employee's wages both in multiple levies and in several separate but successive pay periods,<sup>4</sup> one bad debt may be the cause of the debtor's losing his job. This data fully supports the contention that wage attachment precipitates the firing of regular employees. In the case of probationary employee, 14 of the 72 or 19.5% of private employers reported a policy of firing on first garnishment. Six companies that normally gave 2 warnings to regular employees, gave only one to probationary employees. Most of the companies responding on this question (72%), however, treated all employees as regular employees.

Government employers were more inclined toward the use of disciplinary lay-offs than were private employers, but government units also considered firing as an appropriate answer to repeated garnishment.

Table 2 summarizes governmental unit policy from the returns from two city agencies, five state agencies and 27 county agencies.

WAGE EXEMPTION IN 10 LARGEST STATES FOR MARRIED PERSONS EARNING \$100 PER WEEK<sup>1</sup>

| State              | Before judgment | After judgment | State           | Before judgment | After judgment |
|--------------------|-----------------|----------------|-----------------|-----------------|----------------|
| Florida.....       | \$100           | \$100          | New Jersey..... | \$90            | \$90           |
| Pennsylvania.....  | 100             | 100            | New York.....   | 90              | 90             |
| Texas.....         | 100             | 100            | Illinois.....   | 85              | 85             |
| Massachusetts..... | 100             | 50             | Ohio.....       | 75              | 75             |
| Michigan.....      | 100             | 50             | California..... | 50              | 50             |

<sup>1</sup> 53 C.L.R. 1223.

## CALIFORNIA LAW REVIEW

### APPENDIX A

#### *Amount of Wages Exempted From Garnishment, by States*

|             |                                                                                                       |
|-------------|-------------------------------------------------------------------------------------------------------|
| Alabama     | 75% <sup>1</sup>                                                                                      |
| Alaska      | \$350 (earned within 30 days) if married; \$200 if single <sup>2</sup>                                |
| Arizona     | 50% (30 days) <sup>3</sup>                                                                            |
| Arkansas    | 100% (60 days) <sup>4</sup>                                                                           |
| California  | 50% (30 days); 100% where debt not for necessities and needed to support debtor's family <sup>5</sup> |
| Colorado    | 70% for heads of families; 35% for single persons <sup>6</sup>                                        |
| Connecticut | 100% from attachment; post-judgment exemption set by court (minimum \$25 per week) <sup>7</sup>       |
| Delaware    | 90% (New Castle County); 60% (Kent and Sussex Counties) <sup>8</sup>                                  |

<sup>1</sup> ALA. CODE tit. 7, § 630 (1960).

<sup>2</sup> ALASKA STAT. § 09.35.080 (1962).

<sup>3</sup> ARIZ. REV. STAT. ANN. §§ 12-1594, 33-1126 (1956).

<sup>4</sup> If the wages plus personal property owned do not exceed \$500 for married residents or heads of families or \$200 for single residents. ARK. CONST. art. 9, §§ 1-2; ARK. STAT. § 30.207 (1962).

<sup>5</sup> CAL. CODE CIV. PROC. § 690.11.

<sup>6</sup> COLO. REV. STAT. § 77-2-4 (1963).

<sup>7</sup> CONN. GEN. STAT. REV. § 52-361 (Supp. 1964).

<sup>8</sup> DEL. CODE ANN. tit. 10, §§ 4913 (b), (c) (1953). In New Castle County, wages in excess of 90% can only be reached for necessities. See text at note 36 *supra*.