



American Payroll Association

Government Relations • Washington, DC

June 27, 2014

Chief Judge Robert Colombo
3rd Circuit Court
Coleman A. Young Municipal Center
2 Woodward Ave
Detroit, MI 48226

Re: Request for Exemption Requiring Employer Electronic Disclosure

The American Payroll Association (APA) is requesting an exemption to the electronic filing requirement for employer responses to garnishment disclosures filed with the 3rd Circuit Court. Currently, employers that process wage garnishments and payments on behalf of their employees are required to return a completed Disclosure to the court and the plaintiff/attorney within 14 days of the service of the garnishment. We are requesting the exemption because the written instructions do not state that there is an electronic filing requirement, and because of the difficulties that employers have encountered with the current electronic filing system. We strongly support the move to electronic transmission of garnishment disclosure responses and would appreciate the opportunity to help in the development of a process that works efficiently both for the 3rd Circuit Court and for employers.

About the American Payroll Association

The APA is a nonprofit professional association representing more than 20,000 payroll professionals and their companies throughout the United States. Some APA members work for payroll service providers who in turn process the payrolls for another 1.5 million employers, representing an aggregate total of one-third of the private-sector workforce.

The APA's primary mission is to educate its members and the payroll industry regarding best practices associated with paying America's workers while complying with applicable federal, state, and local laws. In addition, the APA's Government Affairs Task Force works with the legislative and executive branches of government to find ways to help employers satisfy their legal obligations, while minimizing the administrative burden on government, employers, and individual workers.

While we fully support the process of moving to an electronic transmission method, the current system does not seem to make this possible. It appears that the system was created for attorneys or *in pro per* parties who file cases in the circuit courts, and not employers who must file answering disclosures. Some additional concerns include:

- Fees – Employers in Michigan are allowed to charge a garnishment processing fee of \$6, however, the E-filing system is charging \$8 for electronic filings/responses. This is an additional fee that is being charged to the employer to process the garnishment on behalf of their employee and is actually costing the employer more time, effort and administrative costs. Also, many employers do not have a credit card process that allows for a charge as the current system is set up today.
- Electronic filing requirement not included on current order - The current order does not instruct the employer to send the information via an electronic method. The order indicates that the employer can mail copies of the completed disclosure. An employer following the instructions on the order would mail the completed disclosure to the court.
- Account set-up on new system - Based on our review of the E-Filing User Guides and Guidelines, it appears that the current system refers to an attorney or pro-se individual filing a case. Since the employer is not filing a case, but responding with a disclosure, it does not appear that they would fall into an attorney or *in pro per* category.

We are requesting an exemption to allow employers to continue to send the notices via paper until together; we can partner to create a process that works for employers to respond to disclosures electronically.

We appreciate the opportunity to provide feedback. For any questions, please contact Corri Flores, Lisa Poole, William Dunn or Curtis Tatum, whose contact information is provided below.

Sincerely,

Corri Flores
Co-chair, Child Support and Garnishment Subcommittee
Government Affairs Task Force
American Payroll Association
(909) 971-5858
Corrinne.flores@adp.com

Lisa Poole, CPP
Co-chair, Child Support and Garnishment Subcommittee
Government Affairs Task Force
American Payroll Association
(404) 813-7847
lisa.poole@suntrust.com

William Dunn, CPP
Director, Government Relations
American Payroll Association
(202) 232-6889
bdunn@americanpayroll.org

Curtis Tatum, Esq.
American Payroll Association
Manager of Government Relations
(202) 601-4349
ctatum@americanpayroll.org