

GENERAL ORDER



Title
Employee Indebtedness

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Related to:

DISTRICT OF COLUMBIA

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I. BACKGROUND

Members of the Metropolitan Police Department are expected to pay all lawful claims and debts owed to the Federal, District of Columbia, state, and local governments, as well as legal debts supported by court judgment to commercial and private creditors. Procedures have been developed to ensure appropriate disciplinary action is taken when members fail to pay their debts in a timely manner.

II. POLICY

The policy of the Metropolitan Police Department is to require members to pay all lawful claims and debts owed to the Federal, District of Columbia, state, and local governments. Additionally, the Department strongly encourages members to pay all legally incurred debts to commercial establishments and individuals. Until such time as a legal settlement or judgment is obtained, however, no disciplinary action shall be taken for the latter debts. (CALEA 26.1.1)

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

- A. Debt – an amount of money owed to the Federal, District of Columbia, state, or local governments, or money owed to commercial and private creditors supported by legal settlement or judgment.
- B. Debt Complaint – debts which are supported by legal settlement or judgment and/or incurred to governments, unless otherwise noted.
- C. Disposable Pay – that part of the total pay of a member remaining after the deduction of any amount required to be withheld by law or regulation.

- D. Erroneous Payment – salary, wages, emoluments, stipend, or other remuneration for services, regardless of the name by which it is known, allowances, reimbursement for expenses, or other compensation of any nature, which exceeds the amount to which the member is or was entitled.
- E. Members – all sworn and civilian employees of the Department.
- F. Reduced to Judgment – a legal settlement, an unappealed determination by an administrative agency or quasi-judicial official or body having statutory authority to impose a fine or other monetary assessment against the member, provided such determination is subject to appeal to a court.

IV. REGULATIONS

- A. Any member who willfully fails to pay government debts without acceptable reasons shall be subject to administrative action ranging from a warning to removal.
- B. Any member who neglects to pay those debts to commercial establishments and individuals, which are supported by legal settlement or judgment, is subject to administrative or adverse action ranging from a warning to a 5-day suspension for the first offense, a 10-day suspension for the second offense within a 2-year period, and a 15-day suspension to removal for the third offense within a 2-year period.
- C. Indebtedness to the Federal Government
 - 1. The Internal Revenue Service is empowered by law to levy the salary or wages of any member in order to collect on a delinquent tax owed to the Federal Government.
 - 2. The net salary due to the member, as of the date the levy is filed, is applied against the delinquent tax. If the delinquent tax obligation equals or exceeds the salary payment, the member shall not receive any pay for the pay period for which the levy is issued; or if the delinquent tax obligation is less than the salary payment, the member shall receive the amount that exceeds the tax obligation.
 - 3. A notice of levy is not continued from one pay period to the next, even though the attached salary payment does not fully satisfy the obligation. Additional levies will be filed periodically, if the member still fails to make, or to honor an agreement to pay the balance due, after a levy has been served.

D. Indebtedness to State, Local, or District of Columbia Government

1. Whenever a member is indebted to any non-federal government for other than an erroneous payment, and the debt has either been acknowledged by the member in writing or reduced to judgment, the Director of Pay and Retirement, Office of Financial Management, or his/her designee, after thirty (30) days written notice to the member, may collect the debt as provided in Section IV, E, 2-6 of this order. (29 DPM § 2903.1)
2. Any indebtedness to any non-federal government by a member, may be collected in monthly installments or at officially established regular pay intervals, by deduction in reasonable amounts. (29 DPM § 2904.1)
3. Unless the member's employment with the government ends prior to full collection of debts, the amount deducted for any period may not exceed twenty percent (20%) of disposable pay, except that a greater percentage may be deducted with the written consent of the member. (29 DPM § 2904.4)
4. Deductions may be made from any wages, salary, allowances, compensation, remuneration for services, or other authorized pay, including, but not limited to, back pay, severance pay, and lump sum leave payments. (29 DPM § 2904.2)
5. Deductions may not be made from payments received from a retirement fund. (29 DPM § 2904.3)
6. If the member's employment with the government ends prior to collection of the full amount owed, deductions may be made from later payments of any nature, except as provided in Section IV, E, 5, without regard to the limitation imposed by Section IV, E, 3 of this order. (29 DPM § 2904.5)

E. Debts Owed to Commercial Establishments or Individuals

When a letter of complaint concerning a member's indebtedness to a commercial or private creditor is received, and the debt is not supported by legal settlement or judgment, the complainant shall be contacted and advised that before the Department can take any official action, a legal settlement or judgment must be obtained. (CALEA 52.1.5-a)

F. Debts to District of Columbia Government Credit Unions

District Government credit unions are considered commercial creditors and must obtain a legal settlement or judgments before this Department will take action on a debt complaint.

V. PROCEDURAL GUIDELINES

A. Debts Owed to Federal Government

1. Upon receipt of a notice of levy from the Federal Government for a member, the Director, Human Services shall:
 - a. Forward the notice to the member's commanding officer; and
 - b. If aware of a member's indebtedness to the Federal Government, notify the Internal Revenue Service of the member's pending separation, if applicable, so that the interested party may request the Accounting Officer for the District of Columbia, to recover the amount of the debt.
2. The Commanding Officer shall:
 - a. Give the notice to the member.
 - b. Issue a warning to the member and may recommend disciplinary action to the Director, Human Services or Director, Office of Professional Responsibility, as applicable. (CALEA 26.1.4-b-c)

B. Debts Owed to State, Local, or the District of Columbia Government

1. Upon receipt of a notice of a member's indebtedness to a state, local, or the District of Columbia Government, the Director, Human Services shall provide the member's commanding officer with all information pertinent to the case.
2. The commanding officer shall then counsel the member on the Department's policy on indebtedness and issue the member a written warning. (CALEA 26.1.4-b)
3. Within 30 days, the member shall furnish his commanding officer with a copy of a receipt indicating full payment or an agreement to pay by periodic installments. (CALEA 52.1.7-d)

4. If the member fails either to make appropriate arrangements to pay, or, without sufficient justification, refuses to honor an agreement to pay, the commanding officer may recommend disciplinary action to the Director, Human Services or Director, Office of Professional Responsibility, as appropriate. (CALEA 26.1.4-c)
5. Any member who becomes indebted to the District of Columbia Government, and who fails to make an arrangement to pay within 30 days of notification, is subject not only to disciplinary action, but also to a set-off against his/her salary. The Director, Human Services, upon receipt of a notice of set-off, shall forward the notice to the member's commanding officer for appropriate action.

C. Debts Owed to Commercial Establishments or Individuals

1. When a letter of complaint concerning a member's indebtedness to a commercial or private creditor is received and the debt is supported by legal settlement or judgment, the Director, Human Services shall notify the member's commanding officer in writing.
2. The Commanding Officer shall:
 - a. Counsel the member (CALEA 26.1.4-b) and, within 30 days, obtain satisfactory evidence that the member has made appropriate arrangements to pay the debt. (CALEA 52.1.7-d)
 - b. If the member willfully refuses to settle the debt, or, if he/she neglects to make or carry out arrangements to fulfill his/her obligation, recommend disciplinary action to the Director, Human Services or Director, Office of Professional Responsibility, as appropriate. (CALEA 26.1.4-c)

D. Debt Complaints From All Entities Above

1. When a member owes a debt, the Director, Human Services shall:
 - a. Counsel the member;
 - b. Coordinate all debt complaints with all complainants and the member's commanding officer. This shall include notifying the complainant(s), in writing, of action taken by the Department; (CALEA 52.1.5-c)
 - c. Securely maintain records of indebtedness complaints; (CALEA 52.1.10)

- d. Forward all pertinent information to commanding officers on debt complaints, and the nature thereof, against members of their command;
 - e. Enter debt complaints in the member's personnel record. No record of other debt complaints (i.e., those unsupported by court judgment) shall be made; and
 - f. Advise supervisory personnel on any problems arising as a result of a member's indebtedness.
2. The Commanding Officer shall:
- a. Ensure that members make appropriate arrangements to satisfy all debt complaints;
 - b. Recommend disciplinary action, through the Office of Professional Responsibility, to the Director, DDRO, against the member when necessary; (CALEA 26.1.4-c)
 - c. Securely maintain a temporary record of debt complaints in the member's element personnel file; (CALEA 52.1.10)
 - d. Forward any debt complaint letters received directly from the complainant, whether supported by court judgment or not, to the Director, Human Services for disposition;
 - e. Inform the Director, Human Services of all official action taken on debt complaints; and
 - f. Make a full report to the Chief of Police on the circumstances surrounding any member's declaration of bankruptcy.
3. The Subpoena Clerk, Records Department shall:
- a. Receive all "Writs of Attachment on Order to Pay Child Support/Alimony," and log them in on a PD Form 208A (Identification and Records Division Summons Control Log).
 - b. After the writ is logged, he/she shall forward it to the Office of the General Counsel.

4. The Office of the General Counsel (OGC) shall:
 - a. Upon receipt of a "Writ of Attachment on Order to Pay Child Support/Alimony," send a confidential memorandum to the affected member:
 - (1) Advising the member that the Department has received a writ to garnish his/her pay; and
 - (2) Informing the member that he/she may contact the OGC if he/she has any questions.
 - b. The OGC shall then forward the writ to the Special Litigation Section of the Office of the Corporation Counsel.

// SIGNED //
Charles H. Ramsey
Chief of Police

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