2023 Employer Workshop

 Questions & Answers

General

Q. Will the presentation slides be available to attendees?

A. Yes, a copy of the slideshow presentation has been posted on the Bay Area Region Child Support Collaborative (BARCS) website at [www.bayareachildsupport.net](http://www.bayareachildsupport.net).

Q. If a child support payment is not sent on time by the employer, does the employee get penalized?

A. Failure to remit payment to the State Disbursement Unit could cause your employee to be subject to Enforcement Actions. Also, if an employer fails to withhold payments, they can be liable for payments.

Q. Will we receive a copy of this recording?

A. Yes, a recording of the presentation, as well as this Q&A session, has been posted on the BARCS website at www.bayareachildsupport.net.

Q. If an employer sends payments via ExpertPay, can we pay for child support from other states as well? Or is it only for CA payments?

A. ExpertPay is the vendor for California Agency child support cases. States have different vendors. It is possible there are other State's that have contracted with ExpertPay. Please contact ExpertPay directly (at customer.service@expertpay.com or 1-800-403-0879) to inquire which states.

Q. How do I complete the Wage Verification form if my employee works a modified pay structure?

A. Complete it to the best of your ability and attach the pay structure information to the form when you send it in, including bonus information etc... If you need help, the Local Child Support Agency (LCSA) can help you, just give them a call.

Q. Does this information apply to small business with less than 5 employees?

A. Yes, this workshop applies to employers of all sizes, regardless of number of employees.

Q. How do I complete the Health Insurance information on the income verification, if insurance is offered through the union?

A. If you do not have the health insurance premium information, please provide the name and address of the Union and the LCSA will contact them for the information.

Q. I made a payment in error and need to request a stop payment on a check sent. Who should I contact?

A. You will need to complete the Employer Stop Payment Request form. You can contact the State Disbursement Unit (SDU) by calling 866-901-3212, or the form can be completed online. Link to the Remitter Stop Payment Request Form - https://dcss.ca.gov/wp-content/uploads/sites/345/2022/12/DCSS-0748\_RemitterStopPayment\_07252022.pdf.

Q. Can the California SDU take electronic payments for different states on California’s SDU website?

A. The California SDU processes payments for California, if you have an Income Withholding Order (IWO) for another state, please contact the state listed on the IWO for instruction on how to remit payments to that state.

National Medical Support Notice (NMSN)

Q. If the employee's medical is handled by the union, how do we fill out the medical paperwork that is sent with certain child support garnishments?

A. You should complete Part A that comes with the NMSN, employer response, and send this to the LCSA and then sent part B to the healthcare plan administrator or to the employee’s union.

Q. If an employee is required to cover their child for medical insurance (the employee is covered at no charge) is that deduction able to be deducted for disposable income?

A. Yes, health insurance is taken out before determining what the 50% threshold for withholding should be.

Q. It was stated in this presentation that we are not to share the NMSN Part A with the employee, but in the letters we receive, it states that we are to give the employee a copy of the NMSN Part A. This seems contradictory. Can you please verify if we are supposed to send that NMSN Part A to the employee or not?

A. Correction-Part A is to be given to the employee. Part A has been redacted by the agency to only display the last four digits of the dependent’s Social Security Number (SSN) therefore it can be given to your employee.

Q. If employer offers across the border healthcare coverage and employee takes that coverage. Can the employee take this option for child?

A. Yes

Q. We process large volumes of IWO's & NMSN's and respond within specified time limits. Despite this, we often get duplicated paperwork plus phone calls because responses have apparently not been received - sometimes this additional work can become quite disruptive. Also, when duplicate NMSN's are sent, why do these include TWO additional sets of Parts A & B? That is a lot of wasted paper.

A. Additional information would be needed to research why you consistently receive a duplicate NMSN after already responding to the previous. The next time this happens please contact the issuing agency so that the issue can be researched. The Second NMSN & Employer Warning Notice which is the follow up to the original when a response is received provides the same forms as the original in case the first notice was not received.

Q. If my employee is a seasonal worker do I still need to comply with providing the health insurance information?

A. Yes, it is important for the LCSA to know if the employee is seasonal and that health insurance is not available through the employer.

Q. We do not always receive a medical withholding order with the IWO. Should we assume there will be a medical order with child support?

A. No, there are several reasons why we may ask you to withhold wages, but not enroll the children in Health Insurance coverage. You should only enroll the children if you receive a NMSN.

Q. How do we know where the child lives to determine the coverage is within a 50-mile radius?

A. The good news is that you are not expected to know where the child lives or decide on whether the health insurance coverage is available to them. If your employee reports to you that the coverage is not geographically available to the child, you should direct them to contact our office so we can review. Either way, you should comply with the medical support order until you receive a termination from our office.

Income Withholding Orders (IWO)

Q. Will we be notified when our employee has met their obligation and we can stop the wage attachment? How can we learn how much longer we should be deducting from their wages?

A. Once your employee satisfies their full obligation, an IWO Termination will be sent notifying to stop the withholding.

Q. For a Temporary Staffing Agency, we are unable to keep track of all employee separations; temp placements end for various reasons & employees may or may not be assigned to a new placement(s).

A. If the temp agency is the agency that pays the employee, keep the IWO as long as the employee is signed up with the agency plus one year. Let the LCSA know that the employee is a temp employee and has various assignments and IWO payments will be sent when the employee is receiving pay.

Q. What if there is an IWO without a child's name provided?

A. If the IWO was issued by a child support agency, please contact the agency. All IWOs for child support orders are required to have the children's name and birthday. This is important so the employer can recognize that there may be more than one IWO for same child and to notify the employee which children they are paying for.

Q. What happens when an employee is on an unpaid Leave of Absence?

A. Deductions would resume once they return to a paid status.

Q. What if we receive an IWO for the same employee (same child) from 2 different states? Do both take effect?

A. You should contact both agencies to inquire.

Q. If we receive multiple of the same child support orders for different companies, and the employee works for all those companies. Are we supposed to take up to 50% from each company? IE. the employee works for 8 hours for 3 different companies in a week. We received 3 orders, 1 for each company with the full amount listed for all 3 companies. Do we take the full amount from all companies?

A. You are to deduct for each company the amount indicated; if the employee does not make enough the maximum withholding is 50% of their Net Disposable Income. Please encourage the employee to contact the LCSA to discuss. If it is appropriate to terminate one or more of the IWO's, the LCSA will notify you.

Q. Our payroll is biweekly, can we deduct once a month and pay once a month.

A. Regulations require that a pro-rated amount be deducted each pay period and remitted within 7 calendar days.

Q. What do we do if the IWOs are getting sent to the wrong address for our company?

A. Employers can Update Employer Information on the Employer Resource Center at https://dcss.ca.gov/update-contact-information/, by contacting the Employer Services Team at 888.898.1743, or on the Child Support Portal at https://www.acf.hhs.gov/css/employers/child-support-portal/employer-information-updates.

Q. What if I pay my employees monthly and the next pay period will not be within the 7 days to remit payments?

A. You do not have to make any adjustments. Withhold according to your company's pay schedule. It is your employee’s responsibility to make the obligation is met until an IWO is established. Please refer them to DCSS if they have any questions.

Q. How does the child support work when 50% of the employees pay does not cover the full IWO amount being requested, for example restaurant workers?

A. If you are not able to withhold the amount directed due to withholding limits, then deduct 50%. It is your employee's responsibility to make any additional payment and meet their full monthly obligation.

Q. My employee does not want the company to enforce the IWO received as they are handling it "on their own". Am I permitted to allow this?

A. An employer is required to pay according to the Income Withholding Order received. Income Withholding Orders are mandatory under Federal regulations and the Family Code unless there is a court order that suspends the enforcement. If an employer does not withhold, they can be liable for the amount that should have been paid if your employer does not pay their support.

Q. Can we stop the IWO payments once the child turns 18 and the employee indicates there are no arrears owing?

A. You should continue to garnish until an IWO termination is received from the LCSA. Please refer the employee to the LCSA if they believe an error has occurred.

Q. What if an employee receives 2 separate checks for regular pay and OT pay? Do I take 50% from both?

A. You take up to the amount of the wage withholding. If the first check covers that amount, then you do not take more from the OT check. If the regular check cannot cover the amount ordered to withhold, then take up to 50% of the OT check to cover the balance needed to pay the IWO amount.

Q. Is there a way to get credit for processing the support orders? These take up so much time.

A. Yes, the employer may charge the employee an administrative fee of up to $1.50 for each payment made per the employee’s Income Withholding Order.

Q. For the Child Support fees do we follow CA if the order is from CA or do we follow their state of employment? The Fee of $1.50 per remittance is that per child support order or per remittance?

A. The fee should be listed on the IWO, you may only charge a fee per what is listed. The fee is for employee's earnings for each payment per the IWO.

Q. Should we deduct child support from vacation or sick only paychecks?

A. Yes, these are wages that count as part of the employee’s income. Wages counted as part of an employee’s or independent contractor’s income include salary, tips, bonuses, commissions, gratuities, vacation pay, retirement pay, and regular overtime.

Q. Why is the Request for Hearing not included in the e\_IWO packets/orders?

A. The Electronic Income Withholding Order only includes the Income Withholding Order. We have recently added the Request for Hearing on the Employer Resource Center, in the Employer Forms Section as a resource for employers, available here https://dcss.ca.gov/wp-content/uploads/sites/345/2023/08/FL-450\_V2.3.0\_RequestforHearingEarningsAssignment.pdf

Q. How can we get signed up for e-IWO?

A. You can enroll by contacting the e-IWO Team at eIWOmail@acf.hhs.gov

Lump Sum

Q. Can you please give out the phone number to report the lump sum payouts again?

A. You can report lump sum payments by calling 916-464-6640 or by emailing LumpSumResponseTeam@dcss.ca.gov. Employers may also report Bonus/Lumpsum payments electronically if enrolled in e-IWO by using the Employer Initiated Income Withholding Acknowledgement Form or by accessing the Federal Office of Child Support Services' Child Support Portal at https://www.acf.hhs.gov/css/employers/child-support-portal/bonus-lump-sum-reporting.

Q. What if payroll processing has a short turnaround time from being made aware of a bonus payment and the payment processing?

A. Please notify the lumpsum response team as soon as you know the employee will be receiving the lumpsum/bonus payment. This can also be reported on the Child Support Portal and Receive a match/no match response on employee(s): Immediate response if reporting one employee at a time or Next day response if file or spreadsheet is uploaded.

Employment Development Department

Q. For reporting new employees is the 20 days calendar or working days?

A. It is 20 calendar days from the start of work date.

Q. What if I pay them $300 for two separate projects within 20 days? Do I report them at the end of the second project?

A. An employer is required to report independent contractors within 20 days of either entering into a contract for $600 or making payments totaling $600 whichever is earlier.

Q. Why would an employer need to provide information on a contractor or sole proprietor that they do business with?

A. California law requires all service recipients to report independent contractors that are individuals or sole proprietors. The information provided is used to assist state and county agencies in locating parents who are delinquent in their child support obligations.

Q. Are there any repercussions if Employers report new hires late or not at all?

A. If the Report of New Employees is not filed within the time required or is not filed at all, the employer is subject to a penalty of $24 if the failure to file is without good cause. If the failure to file is due to an intentional agreement between the employer and an employee, the employer is subject to a $490 penalty.

Q. Since we need to report all new employees, how long after they are hired do, we must report them?

A. Reporting to the EDD is required within 20 days of the employee's start of work date, which is the first day of work.