



## Illinois Department of Corrections

### Administrative Directive

Number: <b>02.60.135</b>	Title: <b>405/10.05 Wage Deduction</b>	Effective: <b>11/1/2021</b>
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<b>Authorized by:</b>	<i>[Original Authorized Copy on File]</i> <b>Rob Jeffreys</b> Director
<b>Supersedes:</b>	02.60.135 effective 11/1/1996

<b>Authority:</b> 15 ILCS 405/10.05 730 ILCS 5/3-2-2 Comptroller's Uniform Statewide Accounting System (CUSAS), Sect. 33	<b>Related ACA Standards:</b> 5-ACI-1B-07
<b>Referenced Policies:</b>	<b>Referenced Forms:</b> C-33 – Involuntary Withholding Request

#### I. POLICY

Current or former employees indebted to the Department of Corrections (DOC) or indebted to any other State agency may have a portion of their State payment (salary, State tax refund, etc.) deducted until the debt is paid in full or until other arrangements to pay the debt have been made.

#### II. PROCEDURE

##### A. Purpose

The purpose of this directive is to establish a procedure to collect monies due this Department or any other State agency from a current or former employee.

##### B. Applicability

This directive is applicable to all correctional facilities, offices, programs and parole services within the Department.

##### C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

##### D. General Provisions

1. When the employing facility's Business Office is notified that a current or former employee owes money to this Department or any other State agency, for any reason, the facility's Business Administrator shall immediately send a letter to the debtor. The letter shall:
  - a. Specify the nature and amount of the claim.
  - b. Provide a method and specific time period for repayment. (Allow a two week period.)
  - c. Indicate the name and address of the person at the facility who will answer questions and to whom the payment shall be sent.
2. Upon receipt of payment, the facility's Business Administrator shall forward the payment for deposit to the DOC General Revenue Fund to the Division of Finance and Administration, Fiscal Support Accounting Unit.

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3. If the first letter goes unanswered, cannot be delivered or restitution is refused, a second letter shall be sent by certified mail to the debtor. The letter shall:
    - a. Include the same information as the first letter.
    - b. Explain that a deduction, in accordance with 15 ILCS 405/10.05, shall be invoked if payment is not received and enclose a copy of Section 405/10.05. Refer to Attachment A for a copy of the statute.
    - c. Allow seven to ten days time for a response.
  4. If there is no response to the second letter, the facility's Business Administrator shall forward copies of all documentation and letters to the Central Office Payroll Section in Springfield.
  5. The Central Office Payroll Section shall prepare and submit to the Office of the Comptroller an Involuntary Withholding Request, Form C 33, along with a cover letter requesting the 405/10.05 deduction be invoked.
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**ATTACHMENT A  
WAGE DEDUCTION STATEMENT OF REASON**

(15 ILCS 405/10.05) (from Ch. 15, par. 210.05)

Sec. 10.05. Deductions from warrants; statement of reason for deduction. Whenever any person shall be entitled to a warrant or other payment from the treasury or other funds held by the State Treasurer, on any account, against whom there shall be any account or claim in favor of the State, then due and payable, the Comptroller, upon notification thereof, shall ascertain the amount due and payable to the State, as aforesaid, and draw a warrant on the treasury or on other funds held by the State Treasurer, stating the amount for which the party was entitled to a warrant or other payment, the amount deducted therefrom, and on what account, and directing the payment of the balance; which warrant or payment as so drawn shall be entered on the books of the Treasurer, and such balance only shall be paid. The Comptroller may deduct the entire amount due and payable to the State or may deduct a portion of the amount due and payable to the State in accordance with the request of the notifying agency. No request from a notifying agency for an amount to be deducted under this Section from a wage or salary payment, or from a contractual payment to an individual for personal services, shall exceed 25% of the net amount of such payment. "Net amount" means that part of the earnings of an individual remaining after deduction of any amounts required by law to be withheld. For purposes of this provision, wage, salary or other payments for personal services shall not include final compensation payments for the value of accrued vacation, overtime or sick leave. Whenever the Comptroller draws a warrant or makes a payment involving a deduction ordered under this Section, the Comptroller shall notify the payee and the State agency that submitted the voucher of the reason for the deduction and he or she shall retain a record of such statement in his or her records. As used in this Section, an "account or claim in favor of the State" includes all amounts owing to "State agencies" as defined in Section 7 of this Act. However, the Comptroller shall not be required to accept accounts or claims owing to funds not held by the State Treasurer, where such accounts or claims do not exceed \$50, nor shall the Comptroller deduct from funds held by the State Treasurer under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or for payments to institutions from the Illinois Prepaid Tuition Trust Fund (unless the Trust Fund moneys are used for child support). The Comptroller and the Department of the Lottery shall enter into an interagency agreement to establish responsibility, duties, and procedures relating to deductions from lottery prizes awarded under Section 20.1 of the Illinois Lottery Law.

(Source: P.A. 93-56, eff. 7-1-03.)