

HANDLING OF CLAIMS, SUMMONS, SUBPOENA, COURT ORDERS AND OTHER LEGAL DOCUMENTS

- 1.0 The serving of a claim, summons, subpoena, court order, or any other legal document related to district business by a copy service, a process server, or by a Deputy or Marshall of the County, State or Federal judicial jurisdiction shall be received, and proof of service signed by the District Receptionist. Summons and subpoenas will not be accepted for named District employees during school recess periods.

The legal document will be forwarded to the secretary of the Superintendent's designee, who will initial and log on the document the date and time it is received. The Superintendent's designee will review all legal documents for completeness and send immediately to the appropriate office for handling.

- 2.0 If such legal documents are received by United States Mail, the mail shall be handled by the Superintendent's office in the same manner as denoted in number 1.0 above.

- 3.0 Questions regarding legal documents and timelines should be referred to the Executive Director, Personnel Services/Compliance.

- 4.0 The serving of legal documents on District personnel for matters not related to District business may be done at the employee's work location only during non-working time. Further, such service shall be allowed only if it causes no disruption to the work flow or work environment.

In addition, employees are required to use Personal Necessity or Vacation to address non-district legal matters.

- 5.0 Local Agency Employees Subpoenaed as Witness (Civil Actions)

In civil cases, Government Code 68096.1 states that the party at whose request the subpoena is issued shall reimburse the local agency for the full cost incurred by the local agency in paying the employee his or her salary or other compensation and traveling expenses for each day the employee is required to remain in attendance. The amount of one hundred fifty dollars (\$150), together with the subpoena, shall be tendered to that local agency for each day that the employee is required to remain in attendance pursuant to the subpoena.

Government Code 68097 states witnesses in civil cases may demand the payment of their mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the allowances are paid. However, employees are required to attend if so ordered by the presiding judge.

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AND OTHER LEGAL DOCUMENTS (continued)**

Upon receipt of subpoena to appear, please contact District Registrar's Office in the Student Records Department. The Registrar's Office will be responsible for contacting the attorneys for witness fees and reimbursement of traveling expenses.

District staff members required to appear in person shall, therefore, not be charged vacation or personal necessity.

6.0 Local Agency Employees Subpoenaed as Witness (Criminal Actions)

Legal documents related to criminal action are not included in Government Codes 68096.1 and 68097. In criminal cases, witness fees are not collectable and witnesses are required to appear at the discretion of the court.

District staff members required to appear in person shall therefore, not be charged Vacation or Personal Necessity.

If clarification is needed, please contact District Registrar's Office in the Student Records Department.

7.0 Charter Schools

The District is not responsible for accepting legal service of documents on behalf of charter schools.