



Martin Luther King, Jr.
OUTPATIENT CENTER

POLICY AND PROCEDURE

DIVISION: ADMINISTRATION	NUMBER: 04-026
SUBJECT: SUMMONS AND COMPLAINTS/PETITIONS AND SUBPOENAS REGARDING THE COUNTY OF LOS ANGELES AND COUNTY EMPLOYEES AS DEFENDANTS	
SECTION: HUMAN RESOURCES	PAGE: 1 OF: 4
REVIEWED BY: HR ADMINISTRATOR AND PROCEDURE & POLICY COMMITTEE	EFFECTIVE DATE: 12/08/83
TO BE PERFORMED BY: DEPARTMENT MANAGERS	REVIEWED DATE: 04/16/07
	REVISED DATE: 04/2017

PURPOSE

To state the Martin Luther King, Jr., Outpatient Center’s policy related to the handling of legal documents such as Summons, Complaints/Petitions, and Subpoenas.

POLICY

All MLK OPC offices, such as Human Resources, Medical Administration and Risk Management cooperate with legal authorities to effectuate the process of service of legal documents upon staff. The individual units will strive to ensure that such service is accomplished without disruption of work site or embarrassment to the staff. Staff will be removed from their work station and allowed an opportunity to accept service in a private location, such as the MLK OPC on-site Human Resources Office or the immediate supervisor’s office, if possible.

PROCEDURE

On-site Human Resources Office

All summons and complaints/petitions and subpoenas other than documents related to malpractice litigation or that name a workforce member should be received by Martin Luther King Jr., OPC on-site Human Resources Office.

- Note:**
1. All documents related to malpractice litigation should be presented to DHS Risk Management Office for disposition.
 2. All documents naming a workforce member should be presented to medical administration for disposition.

GUIDELINES

As a unit of a governmental agency, MLK OPC may be requested to accept service or receipt of legal documents. While such requests are appropriate and should be honored, in some instances, service or receipt of legal documents at MLK OPC is not authorized and should be refused.

The following guidelines are to assist in determining the appropriate response to such requests. Unless otherwise indicated below, questions about application of the guidelines to specific incidents should be directed to the DHS Human Resources Performance Management Unit.

A. SUMMONS AND COMPLAINT/PETITION

1. A summons should always be attached to a complaint. The bottom portion of the summons must

identify the party to be served.

2. Where the summons identifies the County of Los Angeles or DHS or a DHS facility as the party to be served, the DHS officer or facility should not accept the document. Instead, the process server should be directed to the Clerk of the Board of Supervisors in the Kenneth Hahn Hall of Administration, 500 West Temple Street, Room 383, Los Angeles, CA 90012.
3. Where the summons identifies the Director of DHS as the party to be served, only the DHS Executive Office can accept it. The summons and attached complaint, etc., should then be sent immediately to County Counsel in care of the Chief of the Litigation Division or Public Services of County Counsel. The Executive Office should retain a copy of the summons and accompanying documents.
4. Where the summons and complaint is for an individual other than the Director of DHS, the summons may be accepted by the MLK OPC Human Resources Office upon verification, via eHR, that the employee in fact, is still employed and assigned to the MLK OPC facility. Even though the employee has not given specific written consent for such acceptance of service, in that the Code of Civil Procedure provides for service by leaving a copy of the summons and complaint at an employee's place of business during usual office hours with a person who is apparently in charge thereof, coupled with subsequent mailing of the document to the employee, the MLK OPC Human Resources Office shall accept the document, as the employee's place of business.

In such a case, the employee must be personally served as follows:

- a. Upon acceptance of service, the MLK OPC Human Resources will designate a specific individual to contact the employee immediately for presentation of the document so served, in the Human Resources Office, and in a private office, deliver the document to the employee. This individual shall prepare a proof of service attesting to service on the employee of the document immediately after delivering the document to the employee. A template for the Proof of Service is attached, (Attachment 1).
- b. Upon acceptance of service and verification of eHR that the employee is still in service within the MLK OPC, and subsequently it is determined that service cannot be effected, the document is to be returned to the party causing the service, with a copy to the issuing court accompanied by the document that service could not be effected, within ten calendar days from the date MLK OPC accepted service of process.
- c. If the employee is no longer employed at the MLK OPC facilities, acceptance of the document is not authorized.
- d. Where a summons and complaint or petition are received in the mail or simply left by a process server, and the employee is no longer assigned to MLK OPC and/or if service cannot be effected by service upon the employee by MLK OPC Human Resources, those documents should be forwarded immediately to the Chief of Litigation Division or Public Services Division of County Counsel with a written description of the circumstance of the service and the document is to be returned to the party causing the service with a copy to the issuing court accompanied by the document that service could not be effected.

B. SUBPOENA

1. A subpoena requests the appearance of an individual and/or the production of documents at a certain time and place.
2. Subpoenas should be accompanied by a check for witness fees. If the check for witness fees is missing, witness fees should be demanded at the time of service. If a subpoena is for a Departmental officer or employee to attend a civil action or proceeding regarding his or her County duties, and the County is not a party to that action or proceeding, the County is entitled under Government Code Section 68096.1 to reimbursement for the full costs of the officer's or employee's

- benefits expense required to comply with the subpoena.
3. All County officers and employees who are subpoenaed in their official capacity are required by the County Code to demand and collect the full amount of fees to which they are entitled and promptly send that amount to the County Treasurer. Individuals subpoenaed in their private or personal capacities are not entitled to compensation from the County during any absences necessitated to comply with the subpoena.
 4. If the subpoena is for a particular individual, it may be accepted and must be personally served on that individual in the manner prescribed above under the heading of "Summons and Complaint/Petition." A copy of the subpoena and any background information should be immediately sent to the Chief of Litigation Division or Public Services Division of County Counsel in case a legal objection is necessary and warranted.
 5. If the subpoena is for the "Custodian of Records" of employment/payroll records it should be referred to DHS Human Resources, 5555 Ferguson Drive, Commerce, CA 90022. A copy of the subpoena and any background information should be sent to the Chief of the Litigation Division or Public Services Division of County Counsel in case a legal objection is necessary and warranted.
 6. If the subpoena is for the "Custodian of Records" of medical/patient records, it should be presented to Health Information Management.

C. WARRANTS

1. Warrants for arrest of persons normally are not honored by the Department. A peace officer having a warrant must personally serve the individual. It is the responsibility of the peace officer and not the Department to serve the warrant.
2. Properly executed search warrants served by peace officers should be honored. The DHS Audit and Compliance Division and the DHS Executive Office should be immediately apprised of the service of any search warrant on a DHS facility or office.

D. OTHER DOCUMENTS

1. All other legal documents and matters, including Public Records Act requests, union grievances, and calls or correspondence from attorneys should be processed in the MLK OPC Human Resources Office.

E. CRIMINAL MATTERS

1. Documents related to criminal activity at a DHS facility should be routed to the DHS Human Resources Performance Management Team.
2. Documents related to other criminal activity on the part of a DHS workforce member should be discussed with DHS Human Resources Performance Management Team to determine disposition thereof.

F. PERSONNEL MATTERS

1. Subpoenas pertaining to or seeking employment/payroll documents and records should be routed to the DHS Human Resources, 5555 Ferguson Drive, Commerce, CA 90022.
2. Employee or union grievances and affirmative action matters should be discussed with MLK OPC Human Resources Office for appropriate action.

AUTHORITY:

County Counsel – “Guidelines on Handling Legal Document”
DHS Policy No. 365, Custodian of Records – Response to Subpoenas Duces Tecum
California Code of Civil Procedure Section 415.20

NOTED AND APPROVED:

Cynthia M. Oliver, Chief Executive Officer

Date

Ellen Rothman, M.D., Chief Medical Director

Date

Lessie Barber, Nursing Director

Date

Signature(s) on File.