

**OFFICE OF INVESTIGATIVE SERVICES
POLICY & PROCEDURE #370**

RECEIPT OF LEGAL NOTICES

REPORTING RECEIPT OF DEPOSITION SUBPOENAS/NOTICE

Or

ATTORNEY INTERVIEW REQUESTS

Or

NOTICE OF CLAIM OR LAWSUIT

The Attorney General has requested that the Law Department be notified within 24 hours whenever a DHR employee receives a request to be interviewed by an attorney or a subpoena or notice to give testimony at a deposition in a lawsuit concerning the performance of official job duties even if neither DHR nor the employee is a named defendant in the matter. To meet the concerns of the Attorney General, all DHR employees are instructed to immediately forward any such subpoenas, notices, or interview requests to the Director of DHR Legal Services Office with a cover letter of explanation from the supervisor.

Of particular concern to DHR is the Notice of Claim or Lawsuit since untimely responses may result in negative consequences to the Department. Therefore the DHR Legal Services Office has established the following procedures for responding to such notices or lawsuits.

First, **the employee should not sign anything** at the time of service acknowledging that they have received the notice or lawsuit.

Second, the employee should record the date the notice or lawsuit was received or delivered and how the notice or lawsuit was served, i.e., regular mail, certified mail, deputy sheriff, marshal, court appointed server, etc. If the server's identity is not clear, the employee should ask the person his/her name and title.

Third, immediately upon receiving a lawsuit, the employee should make every attempt to notify their supervisor and the OIS Director.

MOTIONS FOR RECONSIDERATION:

The above-described reporting requirements include Motions for Reconsideration filed by an attorney in Superior Court on behalf of a client after receiving an unfavorable administrative disqualification hearing decision. A notice of this sort is to be treated as a civil suit filed against the Department and requires prompt notification of the DHR Legal Services Officer.

A notification of the receipt of a motion should be faxed to the DHR Legal Services Officer with a cover letter describing the date, time, and how the motion was received along with a copy of the original hearing decision.