

## Chapter 7 - Human Resources

### AP 7650 Subpoena Process

#### References:

Education Code Sections 76244-76246

The subpoena process at Mt. San Antonio College includes the following steps:

1. The Administrative Services Office receives all subpoenas. The College's Risk Manager reviews office files for open cases related to lawsuits or worker's compensation issues.
  - A. All items are date stamped and logged into the subpoena log binder located in the Administrative Services Office.
  - B. For DFEH/EEOC/PERB Claims, the original document will be sent to the Office of Human Resources with one copy sent to the College's Risk Manager for forwarding to the College's insurer – ASCIP. ASCIP determines if any defense is necessary for the claim.
  - C. In matters related to TORT Claims/Lawsuits and/or Small Claims Notices to Appear, the original document is provided to the College's Risk Manager.
  - D. For Requests/Subpoenas for Production of Documents and Copy Service, the original will be sent to the Office of Human Resources and/or Student Services as appropriate. One copy of the document will be provided to the College's Risk Manager. The Office of Human Resources and/or Student Services will be responsible for the collection and forwarding of documents to the requesting party. An exception may occur if there is already a liability claim on file in the Administrative Services Office. In this case, the Administrative Services staff members will be responsible for the collection and forwarding of documents to the requesting party.
  - E. All other requests that do not fall into one of the above mentioned categories will be given to the College's Risk Manager for review and recommendation.
2. Subpoenas received by the Office of Human Resources from Administrative Services, shall be date stamped immediately and submitted to the Human Resources Technician responsible for processing. The Human Resources Technician will confirm that the subpoena has the date stamp from the Administrative Services Office for proper handling. If the document does not have a stamp from the Administrative Services Office, the Human Resources Technician shall immediately carry the original subpoena to the Administrative Services Office to be date stamped and logged into the record. The Administrative Services Office will then make a copy of the document so that the original may be taken back to the Office of Human Resources.
  - A. The Office of Human Resources will log the information on the Subpoena Excel Spreadsheet located in the Human Resources shared files titled SUBPOENAS – Log Sheet Subpoenas.

- B. The subpoena will then be reviewed to determine what information is being requested. Most subpoenas are requests for employment payroll information. A payment (in the form of a check) for processing documents is required and is usually submitted with the subpoena. The payment check is then forwarded to the department submitting the records such as Payroll, Auxiliary Services, or Admissions and Records.
- C. The G-Link (LACOE) must then be checked for information on the individual.
- 1) If the subpoena is for employment records and the G-Link shows employment records for the individual, a copy of the subpoena should be sent to the Payroll Office with the individual's name, social security number, date of birth, and due date highlighted. Because the individual may be a student employee and/or have a second job through Auxiliary Services, the Auxiliary Services Office should then be contacted to check that office's records using the individual's name and social security number. If Auxiliary Services also has a record for the individual, the subpoena should be immediately faxed to the Auxiliary Services Office. The original subpoena and all other information to following-up on the request should be kept by the Office of Human Resources.
  - 2) If the subpoena is for employment records and there is no employment record in G-Link, the Auxiliary Services Office should be contacted to determine whether that office has any records on the individual. If Auxiliary Services has a record for the individual, the original subpoena should be immediately faxed as well as sent via campus mail to the Auxiliary Services Office. A copy of the subpoena and all other related documentation should be retained in the Human Resources storage file.
  - 3) If the subpoena is for employment and student records and the G-Link shows employment records for the individual, a copy of the subpoena should be sent to the Payroll Office. The subpoena should then be immediately faxed to the Admissions and Records Office. If the subpoena requires medical records for a student, the Admissions and Records Office shall forward a copy of the subpoena to the Student Health Center. The Office of Human Resources should also contact the Auxiliary Services Office to determine if a record exists for that individual. If a record exists in Auxiliary Services, the subpoena should then be immediately faxed to Auxiliary Services Office. The original subpoena and all related documentation should be retained by the Office of Human Resources in order to follow-up and comply with the request.
  - 4) If the subpoena is for student records, the subpoena should be immediately faxed to the Admissions and Records Office with the original subpoena sent via campus mail to Admissions and Records. If the subpoena requires medical records for a student, the Admissions and Records Office shall forward a copy of the subpoena to the Student Health Center who shall comply by submitting student medical records as requested. A copy of the subpoena and all other related documentation shall be kept in the Human Resources' storage file.
  - 5) If there are no records for the individual, a Declaration/Affidavit of Custodian of Records must be submitted to indicate that the request has been researched with no employment records found. Copies of all documents should be placed in the Subpoena file.

- D. All instructions specified on the subpoena related to submitting records and/or copying records should be expressly followed.
- E. The subpoena must have the “Proof of Service to Consumer or Employee and Objection” reference. Most individuals are aware that a subpoena has been issued and have a legal right to respond or block the information being requested.
- F. All records are to be produced by the date and time specified on the subpoena but no sooner than 20 days after the issuance of the deposition subpoena or 15 days after service, whichever date is greater.
- G. The Declaration/Affidavit of Custodian of Records must be marked accordingly as well as dated and signed. Copies should be made of all documents.
- H. To follow-up with obtaining documents from the Payroll Office, the Lotus Notes Calendar can be used to enter the subpoena on the due date with a reminder of at least five days in advance of the deadline.
- I. Ample time for proper processing should be allowed, which usually is three business days, in order for the United States Postal Service to deliver the documents by the specified due date.
- J. Once a subpoena has been processed with all deadlines met, the Human Resources Office should update the log sheet and file the subpoena in the annual folder.

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