5-07/310.05 - Unit Responsibilities

A unit commander who has an employee under his command who receives written legal notice of a small claims action being undertaken against him, for an action which is Department related, shall immediately report the circumstances on the Service of Process Notification form (SH-CI-348), through channels, to his division chief or division director. The unit commander shall forward the original "Claim of Plaintiff and Order," along with the white copy of the service of process notification form, to the Civil Litigation Unit within two business days. The service of process notification form shall be completed in its entirety and distributed as indicated on the form. The Department and/or employee shall be served at least ten days prior to the court date (Cal. Code of Civil Procedures sec. 415.20). A service of Process Notification form shall be submitted for each employee who is served.

Any information obtained from the initial inquiry regarding the small claims action will be used as documentation for this purpose. If no inquiry was conducted by the concerned Unit prior to the receipt of the "Claim of Plaintiff and Order," an immediate inquiry shall be conducted by the concerned unit commander as directed in section 5-07/290.00, (Civil Claims). This documentation shall be routed through the respective division chief or division director to the Civil Litigation Unit within ten business days.

A small claims action for activities not related to the Department (i.e., private business contracts, personal property disputes, etc.) does not apply to the above Department routing and review process.

A small claims court action naming employees who are relieved of duty, including employees temporarily reassigned, shall be accepted at the employee's regular unit of assignment. It shall be the responsibility of the employee's regular unit of assignment to notify the employee, regardless of his status, that this service has occurred.