



**EDMONDS SCHOOL DISTRICT NO. 15**  
**Human Resources Division**

September 2007	<b>DELIVERY OF SUMMONS AND COMPLAINTS TO THE EMPLOYER</b>	IX-K
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The methods by which a lawsuit may be served on an individual were modified by the Washington State Legislature effective June 6, 1996. Now an individual is effectively served with a lawsuit against the individual if the following two actions are taken:

- (a) **The papers are delivered to the employer.** A summons and complaint (or petition) may be left at the individual’s place of employment, during usual business hours, with the “vice-president, president, or other head of the company” or with the office manager or office assistant to such person; **and**
- (b) **The papers are mailed to the employee.** A copy is mailed to the employee at the individual’s place of employment.

*The following procedures are established to minimize the risk of potential liability to the district.*

**1. TO WHICH DISTRICT PERSONNEL MAY THE PAPERS BE DELIVERED?**

To comply with state law, papers should be delivered to the superintendent, deputy superintendent, assistant superintendent, or their administrative assistants, and not anyone else.

However, it is possible that papers may be delivered to an employee’s building (as opposed to the district’s administrative offices). Therefore, the building administrator, office manager, and/or office assistant(s) should inform themselves about these procedures.

In the event that papers are not delivered to the ESC, but to an employee’s work site instead, the papers should be delivered directly to the employee, if possible, with the required delivery documentation forwarded to the appropriate Human Resources Director. Building administrators, office managers and/or assistants should feel free to contact Human Resources for assistance, or request that the process server deliver the papers directly to Human Resources.

**2. WHAT ARE THE PROCEDURES FOR HANDLING LEGAL DOCUMENTS?**

When a lawsuit is delivered to the district, District personnel who receive the papers should document pertinent information. This information should include: (a) what documents were received; (b) by whom the documents were received; (c) when they were received; and (d) the manner by which the documents were forwarded on to the employee, including the date and time. A form for use in documentation is included in these procedures. A sample of how the form might be filled out is also included (*final page of this procedure*).

**3. WHEN SHOULD THE PAPERS BE DELIVERED TO THE EMPLOYEE?**

Papers should be delivered to the district employee named in the lawsuit as soon as possible. Hand-delivering the papers to the employee, although not required by the law, is obviously preferable. Papers that are left in an employee’s mailbox could potentially be misplaced and there

would be no proof of receipt by the employee.

**4. WHAT IF THE EMPLOYEE IS ON LEAVE?**

If possible, the district employee who receives the papers from the process server should inform the process server that the employee is currently on leave.

If the employee on leave can be contacted, the district should do what is reasonable under the circumstances to notify the employee that the district has received the papers and provide the papers to the employee. For example, the district could telephone the employee, tell him or her that the papers have been received, and mail the papers to the employee by certified mail.

If the employee being sued is on leave, but cannot be contacted by the district, the district should either (a) decline to accept the papers from the process server, or (b) return the papers to the party who is suing the former employee (i.e. the plaintiff or petitioner) with a cover letter advising the suing party that the employee is on leave and cannot be contacted by the district. The papers and the district's cover letter should be sent by certified mail, return receipt requested.

**5. WHAT IF THE DISTRICT IS SERVED WITH PAPERS DIRECTED TO A FORMER DISTRICT EMPLOYEE?**

The law permits the service of papers only at a person's place of employment. FORMER District employees CANNOT effectively be served at the district.

It would be prudent to inform the process server that the former employee is no longer employed by the district and consequently, the papers cannot properly be delivered to the district. Alternatively, if the papers are left with the district, the district could return the papers to the party who is suing the former employee with a cover letter advising the suing party (i.e. the plaintiff or petitioner) that the employee no longer works for the district. The papers and the district's cover letter should be sent by certified mail, return receipt requested.

**Lawsuits Delivered  
Edmonds School District**

<b>DATE</b>	<b>Documents Rec'd</b>	<b>District Employee Names in Lawsuit</b>	<b>Received By</b>	<b>Method of Delivery to Employee (include date and time of delivery and the person who makes delivery)</b>	<b>Comments</b>

## *EXAMPLE*

### **Lawsuits Delivered Edmonds School District**

<b>DATE</b>	<b>Documents Rec'd</b>	<b>District Employee Names in Lawsuit</b>	<b>Received By</b>	<b>Method of Delivery to Employee (include date and time of delivery and the person who makes delivery)</b>	<b>Comments</b>
1/2/97	Summons and Complaint, <u>Doe v. Smith</u> , No. 97-3-1	John Doe	Administrative Assistant to the Superintendent	Hand-delivered 1/2/97 at 2:00 p.m. by _____.	
1/3/97	Petition for Antiharassment, <u>A. v.B.</u> , No. 97-2-2	B. Smith (on leave)	Vice Principal, and forwarded to Superintendent's Assistant	Telephoned employee on 1/3/97; sent by certified mail No. 1-1-1 on 1/3/97 by _____.	Employee verified her home address
1/6/97	Petition for Dissolution, <u>C.V.D.</u> , No. 97-3-1	Former employee, H. Brown	Administrative Assistant to the Superintendent	N/A	Told process server that Brown not employed and declined to accept the papers

# FLOW CHART

for  
ACCEPTING DELIVERY OF LAWSUITS

Summons and Complaint or Petition Received by  
District (generally delivered by a process server)

