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1.0 PURPOSE:

To set forth a procedure to ensure that the City Attorney's Office is notified of the commencement of a lawsuit against the City or against an officer, employee, agent, board, department, commission of the City and relating to City business.

2.0 ORGANIZATIONS AFFECTED:

This policy applies to all City of West Allis departments, boards, commissions, officers, and employees of the City of West Allis.

3.0 POLICY:

It is the policy of the City to require all officers, employees and board or commission members to deliver to the City Attorney's Office, immediately upon receipt of service, a copy of any summons and complaint or other document which commences legal action against the City, or any of the City officers, employees, boards, commissions, or departments and relates to City business.

4.0 REFERENCES:

Sections 62.115, 62.09(12), 893.80 and 895.46, Wisconsin Statutes.  
Section 2.15, City of West Allis Revised Municipal Code.

5.0 PROCEDURES:

5.1 RESPONSIBILITY.

When an officer, employee, or board or commission member is served with a summons and complaint or other document commencing legal action, the person served shall immediately notify his or her supervisor or department head. Whether the supervisor or department head is immediately notified or not, the person served shall, within 48 hours of service, personally deliver the document to a member of the City Attorney's Office.

5.2 GENERAL POLICIES.

Any person served with a summons and complaint or other legal document shall note the date and time of service on the document and who the document was served upon.

Failure to comply with the provisions of this policy may result in the officer, agent, or board or commission member having judgment entered against him or her personally or may result in the loss of right to City representation or reimbursement of damages, costs and attorney fees.