

## NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST

### POLICY AND PROCEDURE

SUBJECT: Receipt of Service of Process

PURPOSE: This Policy address the actions to be taken when a service of process or civil or criminal subpoena (hereafter “service of process”) is served upon the NJEIT or its employees, officer and directors. For the purpose of this policy, “Service of Process” means the proper legal service of a summons, subpoena, or any other legal document. The document might be a citation, a restraining order, a subpoena or a writ. This policy does not address execution of arrest warrants.

Amends Policy: N/A

#### PROCEDURES:

##### Authorized Agent.

No employee shall accept a Service of Process unless as set forth herein.

The Senior Standards & Procedures Tech is the primary authorized agent for purposes of receipt of service of process wherein the Trust is the named recipient. In her absence, the Secretarial Assistant 3 is authorized to receive process. In the absence of Secretarial Assistant 3, the Executive Secretarial Assistant shall receive process. In the event none of the above named individuals are present, the Chief Operating Officer is authorized to receive process.

In the event the process names a Trust employee or member of the Trust’s board as the named recipient, either individually or in his or her official capacity as a Trust employee or board member, only the named recipient is authorized to accept service of process. Employees are not required to assist the process server in any manner in their efforts to serve process whether it be providing information as to an absent named employee’s whereabouts or otherwise.

##### Actions Required Upon Receipt of Process.

If the process names the Trust as the recipient, upon receipt:

- a. The authorized agent shall immediately make two copies of the process, retaining the original for the trust’s records and one copy to Chief Operating Officer;
- b. The agent shall contact the Chief Operating Officer (COO) immediately regardless of whether the COO is at work, at lunch, at home or on vacation. In the event the authorized agent is unable to reach the COO, the authorized agent will contact the Executive Director;

- c. The COO or the Executive Director shall direct the authorized agent to forward a copy of a criminal subpoena or other criminal process received to Assistant Attorney General James H. Martin (tel. 609-984-1933). In the event the process pertains to a civil matter, the COO or the Executive Director shall direct the authorized agent to forward a copy to Deputy Attorney General, Clifford Rones; and
- d. The COO in consultation with the Attorney General's Office shall advise the Executive Director as to the proper course of action in responding to the process and document management instructions, with particular reference to the placement of a litigation hold on all potentially responsive documents.

If an authority employee or member of the Trust's board of directors is the named recipient in his or her capacity as an employee or officer or director of the Trust

- a. The individual receiving service of process shall immediately contact the COO immediately regardless of whether the COO is at work, at lunch, at home or on vacation. In the event the authorized agent is unable to reach the COO, the authorized agent will contact the Executive Director;
- b. The COO or the Executive Director shall direct the recipient to retain the original and immediately forward one copy to The Senior Standards & Procedures Tech;
- c. The COO or the Executive Director shall direct the Senior Standards & Procedures Tech to immediately forward a copy of a criminal subpoena or other criminal process received to Assistant Attorney General James H. Martin (tel. 609-984-1933). In the event the process pertains to a civil matter, the COO or the Executive Director shall direct the Senior Standards & Procedures Tech to forward a copy to Deputy Attorney General, Clifford Rones;
- d. The COO in consultation with the Attorney General's Office shall advise the Executive Director as to the proper course of action in responding to the process including, but not limited to whether or not the Trust will provide legal representation to the employee and document management instructions, with particular reference to the placement of a litigation hold on all potentially responsive documents; and
- e. The Executive Director or his designee shall advise the employee as to the Trust's planned course of action.

If an authority employee or member of the Trust's board of directors is the named recipient other than in his or her capacity as an employee or officer or director of the Trust, the individual shall be responsible for responding to the process absent a decision by the Trust to the contrary.

See attached: Attorney General's March 1, 2007 memorandum, "Criminal Law Enforcement Subpoenas"