



Education and Workforce Development Cabinet

Office of Vocational Rehabilitation

Policy and Procedures

Policy Number: 100.2
Chapter: Administration
Subject: Subpoena
Total Pages: 3
Approval: Cora McNabb
Effective Date: 07/20/2021
Revision Date: 10/19/2021

Introduction

Due to the work the Kentucky Office of Vocational Rehabilitation (OVR) conducts with consumers, family members, and vendors, the agency or an employee may be subpoenaed to assist in court, attend a deposition, or provide records. A subpoena may be served to any OVR employee as it pertains to the event in question.

Policy

A subpoena is a legal document and should be handled with extreme care. Per the Governor's Legal Office, the Cabinet's Legal Office shall be notified upon receipt of any subpoena served to an OVR employee or an individual who represents OVR (i.e., contractor, temporary worker). The Cabinet's Legal Office will consult with appropriate attorneys, gather responsive documents, and prepare the response.

NOTE: The individual served the subpoena shall not answer any subpoena requests.

OVR can be served two (2) types of subpoenas:

- A subpoena which demands the personal appearance of the person named at a specific time and place for the purpose of giving testimony; and,

- A subpoena which requires an individual identified by name or by function to appear at a given time and place with department records. These types of subpoenas require a judge or magistrate's signature. (This subpoena seeks records, not testimony).

For additional information as it pertains to Kentucky State Law on subpoenas, refer to [CR 45.03. Service \[of subpoena\]](#).

Procedures

Role of Employee

If an OVR employee receives a subpoena, that staff **must** accept it. An OVR employee should never accept or be handed a subpoena that is not directly served to the employee's namesake (i.e., John Smith should not accept a subpoena for Jane Doe).

Once the OVR employee has received a subpoena, staff should forward a copy of the subpoena to the Cabinet Paralegal (currently [Meg Howard-Whitt](#)) and copy the employee's direct supervisor, within one (1) business day. The entirety of the document (i.e., front, back, and receiving envelope) must be forwarded.

Staff should include the correspondence to the Cabinet Paralegal the following:

- The fully scanned subpoena document, including the envelope/delivery system.
- All staff whom the paralegal can contact for further information (i.e., the administrative specialist/assistant, the counselor, the direct supervisor).

The original document should be mailed to the Cabinet Paralegal at the following address:

**Education and Workforce Development Cabinet
Office of the Secretary
Office of Legal & Legislative Services
Attn: Cabinet Paralegal
500 Mero St
Frankfort, KY 40601**

Role of Management

Since a subpoena is a legal document, communication should occur as follows:

1. The direct supervisor should follow any guidance from the Division Director regarding communication on the subpoena, legal aspects, and any other updates.
2. The Division Director should inform the OVR Executive Director (ED) of the subpoena, legal aspects, and any other pertinent information.
3. The Division Director should follow any guidance from the ED regarding communication on the subpoena, legal aspects, and any other updates.

Retention

Staff shall retain the initial email notifying the Cabinet Paralegal. Any further communication pertaining to the subpoena, shall be at the directive of the legal office. Any communication must be retained at least until all legal or investigative matters have concluded, regardless of retention period.

For further information about retention and archiving, refer to the “Scanning, Archiving and Retention” procedures.