



Board Agenda Item 34

DATE: December 12, 2023

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Request to Defend Public Officers or Employees in Litigation

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute six Agreements to Defend Public Officers or Employees for the employees listed below:

<u>Name of Employee</u>	<u>Current Position</u>	<u>Title of Action</u>
Lakeisha Akins	Social Worker, Department of Social Services	Veronica Hernandez, et al. v
Marshunda Harding	Social Work Supervisor Department of Social Services	County of Fresno, et al.
Annette Jones	Unlicensed Mental Health Clinician Department of Behavioral Health	
Sergio Klassen	Defense Investigator Public Defender	
Christina Lara	Social Work Practitioner Department of Social Services	
Eva Torres	Social Worker Department of Social Services	

Description:

The plaintiffs allege that negligent supervision, failure to perform mandatory duties, and deprivation of fourteenth amendment rights by employees of the Department of Social Services were the proximate cause of the plaintiffs' injuries. All employees were employed with the Department of Social Services at the times relevant to the allegations in the lawsuit but some have since moved to other positions.

Fresno County Claim No.: 10675
Eastern District Court.: 1:22-CV-01145-ADA-EPG
Plaintiff: Veronica Hernandez, et al.

ALTERNATIVE ACTION(S):

No alternative action is available because Article 4 (commencing with section 825), Chapter 1, Part 2, Division 3.6 of Title 1 of the Government Code requires the County to indemnify its public employees who timely request such defense.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Funds to finance the cost of defense are contained in the Department's Org 8925, Risk Management Internal Services Fund. Defense costs are supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

The California Government Code requires the County to defend its officers and employees who are sued because of their actions while in the course and scope of employment, if they timely request such defense. The County may require officers and employees to agree that the County's rights under the law are protected.

In the above-mentioned action, the employees who have been named in the suit have requested the County to provide legal defense. The necessary agreement to protect the County's rights has been signed by said employees and is on file with the Clerk of the Board.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement to Defend Public Officer or Employee, Reservation of Rights and Non Waiver Agreement for Lakeisha Akins
On file with Clerk - Agreement to Defend Public Officer or Employee, Reservation of Rights and Non Waiver Agreement for Marshunda Harding
On file with Clerk - Agreement to Defend Public Officer or Employee, Reservation of Rights and Non Waiver Agreement for Annette Jones
On file with Clerk - Agreement to Defend Public Officer or Employee, Reservation of Rights and Non Waiver Agreement for Sergio Klassen
On file with Clerk - Agreement to Defend Public Officer or Employee, Reservation of Rights and Non Waiver Agreement for Christina Lara
On file with Clerk - Agreement to Defend Public Officer or Employee, Reservation of Rights and Non Waiver Agreement for Eva Torres
On file with Clerk - Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Paige Benavides