

# Potpourri of Human Resources & Other Issues

Elizabeth B. Valerio



The information contained in this presentation is provided for informational and training purposes only, and should not be considered legal advice.

# Presentation Topics

- ☞ Employee Notice of Rights Posting Requirements
- ☞ Human Resources Audits
- ☞ Personnel Files
  - 1-9 Documentation
  - Criminal Background Records
- ☞ Medical Files
- ☞ Other Files
- ☞ Checklists for Policies and Documents Provided to Employees
- ☞ Conflict of Interest Law
- ☞ Open Meeting Law Posting Requirements and Minutes



# Employee Notice of Rights Posting Requirements



# Posting Requirements

In Massachusetts, Employers are required by law to post certain employee-rights posters.

☞ These posters must be posted in conspicuous places accessible by all employees. Examples of posting locations include:

- Employee Lunch Rooms
- Break Rooms
- Human Resources Office
- Human Resources Online Bulletin Board
- Employee Mail Rooms
- Anywhere else that employees congregate regularly.

*Practice Note: This requirement applies to ALL employees (custodians, lunch room staff, bus monitors, etc.). Posters must be placed in all locations, even if not shared by all staff, in which employees gather*



# Posting Requirements (cont.)

*Among the required postings are the following:*

- MA Earned Sick Time (if accepted by vote)*
- MA Fair Employment Law*
- MA Paternal Leave Act*
- MA Wage and Hour Laws - Minimum Wage*
- MA Right to Know Act*
- MA Unemployment Insurance Law*
- MA Workers Compensation*
- MA Workplace Safety and Health Protection for Public Employees*

# Posting Requirements (cont.)

The Federal Department of Labor has additional posting requirements:

- ⌘ Federal Equal Employment Opportunity Law
- ⌘ Federal Family Medical Leave Act
- ⌘ Federal Fair Labor Standards Act
- ⌘ USERRA

Practice Note: Many postings are available online for printing, see presentation handout



# Posting Requirements (cont.)

Maintain a compliance checklist:

Examples of Checklists:

Best Elementary School	
Location: Teacher Break Room	
<u>Poster Checked</u>	<u>Date Checked</u>
Paternal Leave Act	8.27.15
Dept. of Labor Standards Safety and Health	8.27.15

Best Middle School	
Location: Teacher Break Room	
<u>Poster Checked</u>	<u>Date Checked</u>
Paternal Leave Act	8.28.15
Dept. of Labor Standards Safety and Health	8.28.15

# Human Resources Auditing





# HR Auditing

*“This list is overwhelming...I could never find the time to complete all of the tasks...”*

## Make a Plan:

- ∞ Auditing can be accomplished in small chunks over time*
- ∞ Even carving out an hour or two per week can make a big difference*
- ∞ Pick one area, such as making sure the required postings are up-to-date, or reviewing personnel files to ensure only appropriate materials are included, and work on that piece to completion*

# HR Auditing (cont.)

## Why Conduct a Self Audit?

- ∞ Save time and avoid stress in the long-term
- ∞ Ensure compliance with legal requirements
- ∞ Ensure compliance with internal policies
- ∞ Highlight areas for improvement
- ∞ Avoid legal pitfalls



# Personnel Records



# Personnel Records

## Massachusetts Personnel Record Law, G.L. c. 149, § 52C:

- ∞ Outlines what must be included in a personnel record
- ∞ Identifies employer obligations
- ∞ Enumerates employee rights



# Personnel Records (cont.)

## What is a Personnel Record?:

Any “record kept by an employer that identifies an employee, to the extent that the record is used or has been used, or may affect or be used relative to that employee’s qualifications for employment, promotion, transfer, additional compensation or disciplinary action.”

# Personnel Records (cont.)

## Personnel Records must include:

### ∞ The employee's

- Name;
- Address;
- Date of birth;
- Job title and description;
- Rate of pay and any other compensation paid to the employee;
- Starting date of employment;
- Job application;
- Résumés or other forms of employment inquiry submitted to the employer in response to the job posting.

# Personnel Records (cont.)

## Personnel Records must include:

∞ (cont.)

- All employee performance evaluations, including but not limited to, employee evaluation documents;
- Written warnings of substandard performance;
- Probationary periods;
- Waivers and agreements signed by the employee;
- Copies of dated termination notices;
- Any other documents relating to disciplinary action regarding the employee.



# Personnel Records (cont.)

Personnel Records do not include:

- ✂ Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of such other person's privacy.
- ✂ Information and documents regarding the medical condition or medical history of an employee
- ✂ Grievances filed by the employee
- ✂ Complaints about another employee
- ✂ I-9 information
- ✂ CORI records
- ✂ Student records information

# Personnel Records (cont.)

## Central Storage of Files:

- ∞ Helps with consistent application of legal requirements and internal policy
- ∞ Enables compliance with the law and policy regarding the confidentiality of files
- ∞ Designate one or more specific individuals as the keeper of the files

# Personnel Records (cont.)

## Notice Requirement:

∞ An employer shall:

- Notify employee
- Within 10 days
- Of the employer placing in the employee's personnel record any information to the extent that the information is, has been, or may be used to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation, or the possibility that the employee will be subject to disciplinary action.



# Personnel Records (cont.)

## Examples of Documents that Trigger Notice Requirement:

- ∞ Documents that address performance deficiencies
- ∞ Documents that address attendance issues
- ∞ Documents that address improper workplace conduct

# Personnel Records (cont.)

## Employee Request for Review:

- ✂ Employees are entitled to review their personnel records during normal business hours and/or to obtain a copy of their personnel records.
- ✂ An employer receiving a written request from an employee shall provide the employee with an opportunity to review such employee's personnel record within 5 business days of such request.
- ✂ Applies to both current and former employees
- ✂ Allows for employee review only two times in a calendar year
  - However, a request to review following notice of negative information placed in file does not count as one of the two yearly reviews

# Personnel Records (cont.)

## Employee Request for Removal or Correction:

- ✂ An employee may request that information contained in a personnel file be corrected or removed
- ✂ The employer may refuse this request
- ✂ However, if the employer refuses to correct or remove information contained in the personnel file, the employer is required to allow the employee to provide a written statement outlining the disagreement, and to maintain that written statement in the personnel file.



# Personnel Records (cont.)

## Retention Requirements:

- ✂ An employer with 20 or more employees shall retain the complete personnel record of an employee without deleting or expunging information from the date of employment of such employee to a date 3 years after that employee's termination. See M.G.L. c. 149, § 52C.
- ✂ But Note: Guidance from the MA Secretary of Commonwealth advises that municipalities retain personnel files for 20 years after termination.
- ✂ If an employee brings a legal action against the employer in court or before an administrative agency, the employer must retain the personnel record until final disposition of the proceeding.

# Personnel Records (cont.)

## Penalties:

- ⌘ Employers with 20 or more employees are required to continually maintain any written personnel policy regarding the terms and conditions of employment at the office where personnel matters are administered.
- ⌘ Enforcement is through the Massachusetts Attorney General (with fines of \$500 to \$2500). The employee has no right to sue for violations.

# Personnel Records (cont.)

## Destruction of Records:

- ⌘ No municipal government records may be destroyed without authorization from the Supervisor of Records (unless the records are purely for administrative use).  
M.G.L. c. 66, § 8.
- ⌘ Applications for destruction (or scanning and destruction) are available on the Secretary of the Commonwealth's website at <http://www.sec.state.ma.us/>



# Form I-9

## What is a Form I-9?

- ∞ Documents that each new employee is authorized to work in the U.S.
- ∞ Employers should inform new hires prior to their 1<sup>st</sup> day of work what documents they will need to present to prove eligibility (passport, permanent resident card, license & social security card, etc.)
- ∞ Do not keep I-9 forms in personnel file
- ∞ File forms in central location
- ∞ All U.S. employers must ensure proper completion of Form I-9 for each individual they hire for employment in the United States
  - Employer may be fined for failure to maintain forms
- ∞ Employers must retain Form I-9 for a designated period and make it available for inspection by authorized government officers.

# Direct Deposit Information

## Recommended Steps:

- ∞ Inform new hires about the availability of direct deposit and encourage them to bring in the required documentation (voided check with account and routing number)

# Criminal Records

## Criminal Record Background Checks – Fingerprint-Based

- ✎ All school-related personnel with the potential for unsupervised contact with children are subject to fingerprint-based state and national background checks.
  - Student teachers and substitute teachers are subject to fingerprint-based and national background checks. Volunteers and contractors may be subject to fingerprint-based checks, if requested, but still must submit to CORI checks.
- ✎ Pre-K-12 employees who continue to work in the same school or district are not required to re-submit to fingerprint-based state and national criminal history checks once their employer has deemed them suitable for employment
- ✎ Employees will still be required to submit to state CORI checks (which are not fingerprint-based) at least once every three years.



# Criminal Records (cont.)

## Use of Criminal Record Information:

- ✎ In connection with any decision regarding employment or volunteer opportunities, the employer in possession of an applicant's criminal offender record information must provide the applicant with the criminal history record in its possession, prior to questioning the applicant about his/her criminal history
- ✎ If the employer makes a decision adverse to the applicant on the basis of his/her criminal history, the employer shall also provide the applicant with the criminal history record in its possession
- ✎ The school district has discretion with respect to how to review and analyze the background reports. Discretion remains with the district.
- ✎ If the school-employer has questions about the criminal background information received, it may request that an individual provide additional information regarding the results.

## Criminal Records (cont.)

Remember: Do not file  
CORI/criminal background  
information in the employee's  
personnel file!

# Background Checks

## Best Practices:

- ✂ Include authorization in employment application permitting employer to verify all information
- ✂ Require applicant to certify by signing the application that all information is accurate and complete
- ✂ For positions that require submission of a résumé, require final applicant to execute application
- ✂ Minimum check should include reference contact and verification of both education and prior employment
- ✂ If position requires that the employee maintain a particular license(s), license verification should be conducted as well
- ✂ A credit report may be obtained with applicant authorization and in accordance with FCRA



# Medical Documentation/Information

The Americans with Disabilities Act mandates that employers keep protected records private.

Keeping records private means:

- ✂ Medical records must be kept in separate, locked files from other employment records, including personnel records.
- ✂ Medical records stay private whether they belong to job applicants, current employees, or past (former) employees.
- ✂ Employer may not disseminate among the workplace medical information about an applicant, employee, or former employee

# Medical Documentation/Information (cont.)

What constitutes medical documentation?

- ✂ Results of a medical exam done for an employer at any time
- ✂ Medical information shared during the hiring process
- ✂ Information about a disability given for affirmative action
- ✂ Medical information provided to get an ADA accommodation
- ✂ Medical information provided for an employer's health and wellness program

# Grievance Documents

Grievance documents are not maintained in personnel files.  
Maintain separate grievance files.



# Personnel Files

## What's In & What's Out?

### In

- ☞ Hiring process documents
  - Application, résumé, transcripts
  - Offer letter
  - Receipt for handbook
- ☞ Payroll records
- ☞ Performance evaluations
- ☞ Separation documents
- ☞ Benefits information
- ☞ Wage/salary administration documents
  - Job description
  - Compensation history and recommendations
- ☞ Employee relations documents
  - Discipline (warnings, reprimands, suspensions, discharge)
  - Commendations
  - Report of coaching session

### Out

- ☞ I-9 Forms
- ☞ Documents relating to a legal case
  - Letters to/from counsel
- ☞ Grievance Documents
- ☞ Student Record information
- ☞ CORI Reports
- ☞ Unsupportable Opinions
  - Margin notes on resume: "he's too old"; "he's too fat", etc.
- ☞ Medical Data
  - Medical records
  - Lab reports
  - Drug screening records
  - Health and Life insurance application forms
  - WC injury reports
  - Any other form or document that contains medical information

**\*\*Remember Medical Documentation and Information is maintained in a separate medical file for each employee\*\***

# Personnel File Audits

## Questions to Ask:

- ⌘ Are the personnel files maintained in a locked and secure cabinet, or have proper electronic security features been developed?
- ⌘ Have all documents that contain protected information been removed from the personnel file?
- ⌘ Are personnel files organized in a logical manner so that information is easy to find?
  - Note: How to organize the files is up to the employer. Is there a policy or consistent practice regarding employee access to personnel files?
- ⌘ Is this policy/practice compliant with the relevant state laws?

# Document Checklist — New Hires

## Required Documentation & Information for New Hires

- ✂ Application Form
- ✂ Code of Conduct or Standards of Employment Signature Form(s)
- ✂ I-9 Form and two forms of ID
- ✂ W-4 Federal Income Tax Withholding Form
- ✂ M-4 State Income Tax Withholding Form
- ✂ Direct Deposit Form
- ✂ CORI
- ✂ Copy of License(s)



# Conflict of Interest



# Mass. General Laws ch. 268A

- ∞ Massachusetts' Conflict of Interest Law governs the conduct of public officials, including public school employees.
- ∞ The law ensures that the private financial interests and relationships of public school employees do not conflict with their official responsibilities.

# No Unwarranted Privileges or Personal/ Political Use of Public Resources

## Prohibitions on use of public resources:

- ⌘ Public school employees may not use public resources – such as secretarial services, copy equipment, paper, postage, for personal or political purposes.
- ⌘ Public school employees may not use their position to obtain unwarranted privileges for themselves or others, including their children attending district schools.

See M.G.L. c. 268A § 23(b)



# No Self-Dealing

A public school employee may not take any type of official action that will affect the employee's financial interests or the financial interests of:

- ✂ the business partner of the public school employee;
- ✂ the prospective employer or business associate of the public school employee;
- ✂ any business organization for which the public school employee serves as an officer, director, trustee, or employee; or
- ✂ any member of the public school employee's immediate family or the immediate family of the public school employee's spouse

# Employment

- Public school employees are prohibited from hiring, promoting, supervising, or otherwise participating in the employment of any person in the employee's immediate family or in the immediate family of the employee's spouse.

See M.G.L. c. 268A §§ 19, 23

# Immediate Family Member Defined

*An Immediate Family Member is defined as:*

- *The employee's spouse, children, parents, brothers and sisters; and*
- *The children, parents, brothers and sisters of the public school employee's spouse*

See M.G.L. c. 268A §§ 1(e)



# Finances & Gifts

The Law Prohibits Public School Employees from:

- ✂ requesting or accepting anything, *without regard to value*, in exchange for agreeing to perform or not perform an official act. (c. 268A, § 2);
- ✂ requesting or accepting anything *of substantial value (\$50)* for the performance or influence of any official act within the duty of the public school employee (c. 268A § 3(b) ).

# Gifts of Substantial Value do NOT include:

Substantial Value is NOT:

- ✂ Gifts worth less than \$50
- ✂ Ceremonial gifts
- ✂ Gifts given solely because of family or friendship

(M.G.L. c. 268A, § 3(f))

# CAUTION !

## Gifts to the Public School Employee and Guest

- If the gift is less than \$50 for the employee but would be more than \$50 when the employee's spouse or guest is also included, the total gift exceeds the substantial value limitation.

## Scarce Tickets

- If the face value of the ticket is \$40 but the donor actually paid \$400, the recipient will be assessed the \$400 value.

## Aggregate the Value

- The value of multiple gifts by a single donor to a recipient is aggregated.



# Disclosures

## What to do when a Conflict of Interest Exists:

- ∞ A public school employee should disclose any appearance of a conflict of interest. (c. 268A § 23(b)(3)) Disclosures are filed with the Municipal Clerk.
- ∞ A public school employee who has an actual conflict of interest cannot participate in any official business for which the conflict exists.

# Seek Guidance Before Acting

State Ethics Commission

617-371-9500

[www.mass.gov/ethics/](http://www.mass.gov/ethics/)

*Violations of the State Ethics Laws can result in civil and criminal penalties including fines of up to \$10,000 and imprisonment for up to five years.*

*(M.G.L. c. 268A §19)*

# Conflict of Interest

## Human Resources Requirements:

- ∞ All current municipal employees must receive a summary of the conflict of interest law (c. 268A) annually
- ∞ New hires must receive Conflict of Interest summary within 30 days of hire
- ∞ Online Training Required every 2 years and within 30 days of hire
- ∞ Employer should maintain certificates from employees regarding completion of online training (received by employee upon completion of online training)



# Exercise # 1

The Best Schools has a student assignment process that takes all of the students in one grade, divides them by gender, and then uses a lottery system to determine which students go into which classroom in the next grade trying to assign nearly the same number of female and male students to each of the classes. Exceptions to the lottery are made for twins to ensure that they are not in the same classroom unless the parents request that they remain together. Mrs. Cortland is an administrative assistant for the Best Public Schools. She has two children in the Best Public Schools. Her daughter had Terry Terrific, a 4<sup>th</sup> grade teacher, two years ago and had a great year. Mrs. Cortland's son will be entering the 4<sup>th</sup> grade in September.

Can Mrs. Cortland request that the principal place her son in Terrific's class?

Can Mrs. Cortland tell the principal that if the principal puts her son in Terrific's class, Mrs. Cortland will be sure that his budget requests go to the top of the pile of requests?

# Open Meeting Law





# What is a Meeting?

A meeting is:

⌘ A deliberation by a public body (school committee) with respect to any matter within the body's jurisdiction.

*Remember: Deliberations by a subcommittee of the school committee are meetings.*



# Deliberation

Deliberation includes:

- ✂ Oral, written or email communications
- ✂ On public business
- ✂ Between or among a quorum of the school committee
  - Quorum: Majority of members
  - Subcommittees: Are included in definition of public body (Any multiple-member body created to advise or make recommendations to a public body)

# A Gathering is Not a Meeting if:

## Members Do Not Deliberate & the gathering is:

- ⌘ An on-site inspection of a project or program
- ⌘ A public or private gathering, including a conference or training program or a media, social, or other event
- ⌘ The attendance by a quorum at a meeting of another public body that complied with open meeting law if the visiting members communicate only by open participation in the meeting on those matters discussed by the host body
- ⌘ A meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it
- ⌘ A session of a town meeting

# Special Exclusions

The following are not considered “deliberation” or a “meeting”:

- ∞ Distributing meeting agenda
- ∞ Distributing schedule information
- ∞ Distributing reports or documents that may be discussed at the meeting
- ∞ Deciding scheduling



# CAUTION!

School Committee members/subcommittee members may not circumvent the open meeting law by conducting deliberations via private messages, whether:

- ✂ electronically (email, text messages, google docs, etc.)
- ✂ in person
- ✂ over the telephone, or
- ✂ in any other form

# Posting Requirements

## Timing:

- ⌘ 48 hours prior to meeting
- ⌘ Excluding Saturdays, Sundays & legal holidays
- ⌘ Emergency Exception: sudden, generally unexpected occurrence or set of circumstances demanding immediate action. Post as soon as reasonably possible.

## Format:

- ⌘ Conspicuous
- ⌘ Legible
- ⌘ Easy-to-understand

# Posting Placement

Where to post the notice:

- ✂ File with municipal clerk, and post where conspicuously visible to the public at all hours inside or on clerk's office's building



# Notice Must Include

Date & Time:

- ∞ Of the meeting
- ∞ Of the posting

Place: where the meeting will be held

Topics: the chair anticipates discussing with sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting

# During the Open Meeting

## Remote participation:

- ✂ Provided Board of Selectmen has authorized such participation and there is a quorum of the school committee present at the meeting.

## Recording:

- ✂ Chair must inform attendees of any recordings
  - Note: Include this statement in the minutes

# Open Session (cont.)

## After the Open Meeting:

### ∞ Make Minutes Available on Request

- In draft form or approved
- Including photos, recordings, maps used at meeting
- Within 10 days of request



# Executive Session

## How Executive Session Differs from Open Meeting:

∞ Closed to the Public

∞ 10 Permissible purposes for Executive Session

See M.G.L. c. 30A §§ 21(a)

# Executive Session (cont.)

## Purpose No. 1:

- ∞ s. 21(a)(1): To discuss an individual, public officer, employee or staff member's
- Reputation
  - Character
  - Physical condition, or
  - Mental health
  - Discipline or dismissal, complaints or charges against the individual

But not professional competence (See District Attorney for the Northern District v. School Committee of Wayland, 455 Mass. 561)

# Executive Session (cont.)

## Purpose 1 (cont.)

### Discussions Regarding Individuals:

#### ☞ Open Session

- Professional competence

#### ☞ Executive Session\*

- Reputation, character, physical condition, mental health
- Discipline or dismissal, complaints or charges against an employee

\* At the individual's request, the meeting shall be held in open session.



# Executive Session (cont.)

## Purpose 1 (cont.)

### Individual's Rights in Executive Session

- ∞ To receive written notice at least 48 hours prior to executive session
- ∞ To be present
- ∞ To speak on his/her own behalf
- ∞ To create an independent record by audio recording or transcription
- ∞ To have legal counsel or a representative present for purpose of advising the individual (not for participation)

# Executive Session (cont.)

## Purpose No. 2

- ∞ s. 21(a)(2): Strategy session for negotiations, collective bargaining sessions, or contract negotiations with nonunion personnel

## Purpose No. 3

- ∞ s. 21(a)(3): Strategy session respecting collective bargaining or litigation if an open meeting will hurt Committee's bargaining or litigating position AND the chair so declares

## Purpose No. 4

- ∞ s. 21(a)(4): Security personnel or device deployment or strategy

# Executive Session (cont.)

## Purpose No. 5

- ☞ s. 21(a)(5): Investigate charges of criminal misconduct or consider filing criminal complaints

## Purpose No. 6

- ☞ s. 21(a)(6): Consider purchase, exchange, lease or value of real estate if open discussion would hurt Committee's negotiating position

## Purpose No. 7

- ☞ s. 21(a)(7): Comply with any general law, special law, or federal grant-in-aid requirements



# Executive Session (cont.)

## Purpose No. 8

- ⌘ s. 21(a)(8): Consider or interview applicants by a preliminary screening committee
  - If chair declares an open meeting will have a detrimental effect in obtaining qualified applicants
  - Not if applicants have already passed an initial screening committee

## Purpose No. 9

- ⌘ s. 21(a)(9): Meet or confer with mediator

## Purpose No. 10

- ⌘ s. 21(a)(10): Discuss trade secrets

# Executive Session (cont.)

## Procedure

- ✎ Convene an open session first
- ✎ In open session, roll call vote to enter executive session (This vote is recorded in the open session minutes)
- ✎ Chair states executive session's purpose, including everything that may be revealed without compromising executive session's purpose
- ✎ Chair announces purpose for the executive session and whether or not the school committee will reconvene in open session following the executive session. (Open session minutes should include this announcement.)

# Executive Session (cont.)

## Executive Session Minutes *Must* Contain:

- ✂ The Date, Time, and Place of Meeting
- ✂ Names of the Members Present/Absent
- ✂ Document List: List of All Documents Used at Meeting d
  - Note: Attach the documents to the minutes
- ✂ Discussion Summary of Each & Every Topic
- ✂ Vote Record: Record of All Votes by roll call
- ✂ Decisions Made & Actions Taken



# Public Records

## Public Records Include:

- ☞ Open Session Minutes including the notes, recordings, & other materials used to prepare minutes and all documents and exhibits used at the meeting

Note: State regulations establish fees and permit public entities to charge such fees for searching, segregating/redacting, and copying public records.

# Public Records (cont.)

Examples of Documents not subject to disclosure:

- ∞ Personnel files
- ∞ Attorney-client privileged communications
- ∞ Confidential Student records

# Public Records (cont.)

## Executive Session Meeting Minutes:

### ∞ Same Content Requirement as Open Session Minutes

- Remember: All votes, including the vote to adjourn, must be recorded by Roll Call during Executive Session

## Review and Approval of Executive Session Minutes:

- ### ∞ The School Committee/subcommittee should establish a procedure to regularly review and release full/redacted executive session minutes when the release would no longer defeat the purpose of the executive session



# Public Records (cont.)

From the Attorney General's website:

- ∞ A public body must respond to a request to inspect or copy executive session minutes within 10 days of the request.
  - If the public body has determined, prior to the request, that the requested executive session minutes may be released, it must make those minutes available to the requestor at that time.
  - If the body previously determined that executive session minutes should remain confidential because publication would defeat the lawful purposes of the executive session, it should respond by stating the reason the minutes continue to be withheld.
  - If, at the time of a request, the public body has not conducted a review of the minutes to determine whether continued nondisclosure is warranted, **the body must perform such a review and release the minutes, if appropriate, no later than its next meeting or within 30 days, whichever occurs first.** In such circumstances, the body should still respond to the request within 10 days, notifying the requestor that it is conducting this review.”

## Exercise # 2

Ms. Empire is in charge of posting notices for the Best School Committee meetings. On Friday morning, Ms. Empire received information that approximately 300 students and parents planned on attending the school committee meeting where Patty Principal was receiving recognition for her more than 30 years of service to the Best Schools. Ms. Empire wants to move the meeting from the school committee meeting room at the Central Office to the auditorium at Best Elementary School about two miles from the Central Office. The meeting has been posted for two weeks and is scheduled for next Wednesday.

What can Ms. Empire do?

## Exercise # 3

Wendy Winesap takes the minutes of each School Committee meeting. The School Committee met two weeks ago and isn't meeting again until after Thanksgiving. A reporter from the local paper requested a copy of the open session minutes from the last School Committee meeting.

Can Ms. Winesap withhold the minutes until the Committee has voted on them?



## Exercise #4

The Best Public Schools finished its negotiations for the purchase of a field from Fran Farmer for use as a new soccer field. The sale was completed last week and construction on the new field will start in the Spring. Ms. Winesap received a request from Ralph Reporter for the executive session minutes related to the purchase of Farmer's field.

What should Ms. Winesap do?

# Q & A

Elizabeth B. Valerio  
[evalerio@dwbboston.com](mailto:evalerio@dwbboston.com)



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