



Office of the
BOARD OF SELECTMEN
272 Main Street Townsend, Massachusetts 01469

Sue Lisio, Chairman

Wayne Miller, Vice-Chairman

Don Klein, Clerk

James M. Kreidler, Jr.,
Town Administrator

Office (978) 597-1701
Fax (978) 597-1719

POLICY #03-2019

REPLACE POLICY #2012-02 Electronic Communication and Computer Usage Policy

Purpose: Email is an expedient and easy means of communication, but must be used carefully, both to ensure compliance with the Open Meeting Law and the Public Records Law and to ensure the content of said communications will be professional, courteous and responsible. Therefore, the Board of Selectmen has established the following policy, which is meant to augment and emphasize the importance of the laws of the Commonwealth of Massachusetts.

Policy: Email Communications Policy

I. PRIVACY:

There is no expectation of privacy for use of Town-issued email accounts or private email accounts over which Town business is conducted (hereinafter "Town Emails") by Town employees ("Employees") or by elected or appointed board, committee, commission members ("Officials"). The Town reserves the right to review, examine and/or monitor all emails from Town-issued email accounts, at any time, with or without notice. Use of the Town-issued email accounts constitutes acceptance of such monitoring.

II. PROFESSIONALISM AND ETHICS:

Though e-mail is an expedient and easy means of communication, said communications nevertheless must comport with general standards of professionalism. When sending emails, all Officials and Employees will:

- ☐ Conduct business in a truthful and accurate manner.
- ☐ Keep communications and correspondence professional and appropriately personable. Email should not be used for communications that express anger or criticism.
- ☐ Apply the same grammatical quality and professional letter writing standards that are applicable to paper-based correspondence. Email correspondence should reflect the Town's commitment to quality, performance and professionalism at all levels.

- ☐ Be aware that all laws, the Code of Conduct and other Town policies related to Sexual Harassment and Unlawful Harassment apply to the use of Town Emails.

III. PERSONAL EMAILS:

Employees are allowed very limited personal use of Town-issued email accounts, under the following circumstances:

- ☐ The use is incidental (the email is subject to the public records law)
- ☐ There is little or no cost to the Town.
- ☐ Any use is brief in duration, occurs infrequently, and is the most effective use of the Employee's time or state resources.
- ☐ The use does not interfere with the performance of the Employee's official duties.
- ☐ The use does not disrupt or distract from the conduct of the Town business due to volume or frequency.
- ☐ The use does not disrupt other Employees and does not obligate them to make a personal use of Town resources.
- ☐ The use does not compromise the security or integrity of Town property, information, or software.

IV. OPEN MEETING LAW APPLICABILITY:

All Email use by the any Employee or Official the Town of Townsend will comply with the requirements of the Open Meeting Law ("OML"). A copy of the OML is given to all committee members by the Town Clerk when they take the oath of office. Additionally, the OML Guide and OML decisions are available on the web at www.mass.gov/ago/openmeeting.

Email communications by, between, or among Officials should not address substantive policy issues, decisions, or deliberations. Email should not be used to discuss policy issues on an item coming before the board, committee or commission for discussion, to make decisions, or carry on deliberations.

Deliberations in violation of the OML, may include emails among a quorum of the public body, serial communications, and communications through an employee conduit. Officials may not attempt to circumvent the OML, by using Employees as a conduit.

Email communication by, between or among Officials should ordinarily only be used to schedule meetings, transmit factual information, such as reports or documents, about the subject of deliberation, request information or similar administrative type

communications. Email should not be used to opine, comment or deliberate upon such information.

V. PUBLIC RECORDS APPLICABILITY:

“Public Records” are defined by statute to include all documentary materials or data, regardless of physical form or characteristics, made or received by an officer or employee of any... municipality of the Commonwealth, unless falling within a statutory exemption (M.G.L. c..4, §.7). Therefore, the Secretary of the Commonwealth advises that the Public Records Law clearly applies to government records generated or received electronically. All electronic mail sent, and all electronic mail received by principal addressees at a Town-issued address, or any address, when used in an official capacity, should be considered a public record subject to inspection and disclosure and scheduled retention and disposition.

VI. DISCIPLINE:

Any Employee who violates this Policy shall be subject to appropriate discipline, up to and including termination of employment or removal from his/her position in accordance with the terms of the applicable collective bargaining agreement and/or personnel policy, recall from his/her elected position, termination of contract or agreement for volunteer or intern services.

The Town prohibits acting against any Employee for reporting a violation of this Policy or for cooperating in an investigation. Any Employee who retaliates against another Employee for reporting a violation of this Policy or for cooperating in an investigation will be subject to disciplinary action, termination of employment or removal from his/her position in accordance with the terms of the applicable collective bargaining agreement and/or personnel policies, recall from his/her elected position, termination of contract or agreement for volunteer or intern services.

VII. MISCELLANEOUS:

Amendments: The Town intends to follow each provision of this policy but reserves the right to change any provision at any time if circumstances warrant or require.

Waiver: A failure to enforce this Policy does not constitute a subsequent waiver of any violation of this Policy.

Governing Law: This Policy shall be read and interpreted in conjunction with all other Town policies and procedures.

Collective Bargaining: This policy is not intended to interfere with employee rights under Massachusetts General Laws Chapter 150E.

APPROVED BY THE TOWNSEND BOARD OF SELECTMEN

FIRST READING: June 20, 2019

FINAL APPROVAL/ADOPTION: July 2, 2019

Sue Lisio 7/8/19

Sue Lisio, Chairman

Wayne Miller 7/8/19

Wayne Miller, Vice Chairman

Donald E. Klein 7/10/19

Donald Klein, Clerk

Acknowledgement of Receipt of Policy

I acknowledge receipt of this Email Policy. Having read said policy, I understand and agree to its terms.

Name (Print)

Signature

Date

