

Natch Greyes, NHMA Municipal Services Counsel - "The Right to Know Law states that "governmental records" means "any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term "governmental records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body." RSA 91-A:1-a. Based on your description, the email would constitute a governmental record as it was directed toward the town administrator and related to the possibility of a municipal policy"

NHMA Knowing The Territory – Page 89 Part A, Section 2 – " Communication – electronic or otherwise - that is created, accepted or obtained by less than a quorum of a public body is not a governmental record"

Natch Greyes, NHMA Municipal Services Counsel – "While there are exemptions contained with RSA chapter 91-A which would allow for certain information to be redacted or remain unreleased, those relate to the government releasing the record, not a separate individual. Even if the list of exemptions under RSA 91-A:5 were under consideration, the only one which would seem to require any analysis would be the "other files whose disclosure would constitute invasion of privacy." That analysis requires that the public interest in disclosure be weighed against the private person's interest in nondisclosure. It's hard to understand what privacy interest you would have in the email, and **there would certainly be a public interest in knowing whether select board members who hear concerns from their constituents follow-up on those concerns. Therefore, release would be likely under that analysis."**

Natch Greyes, NHMA Municipal Services Counsel - "As far as statutory process for submission of complaints goes, none exists. However, it would be reasonable to assume that there are three parties to whom a member of the public could expect to address a concern about a particular employee: (1) the department head who acts as supervisor of the employee ; (2) the town administrator (or town manager, in town manager towns) who a member of the public would reasonably assume 'runs the day-to-day operations of the town'; (3) a member of the select board who, as a member of the governing body, is a part of the supervisory mechanism for all town employees. Therefore, while your complaint process is determined by whatever policy is put in place by Hinsdale's select board, it would be reasonable to assume that any one of those three parties might be approached by a citizen who is concerned about a particular employee."

Town of Hinsdale, NH Meetings and Board of Selectmen Procedures and Guidelines – Rule 28, Code of Conduct Part E.

"Generally, The Town Administrator, acting for the Board of Selectmen, shall give directives to Town Officers and Employees under the control of the Selectmen. No member of the Board of Selectmen shall give directives to Town Officers or Employees either publicly or privately unless approved by the Board."

Natch Greyes, NHMA Municipal Services Counsel - " libel/slander/defamation-generally require that the person who says/writes something which is untrue has a knowledge element (generally, you must know or indicate that it is untrue), and harm someone's reputation. While the legal contours of these issues are imprecise, generally, facts that would lead you to believe that it was true would counter

any knowing element - e.g. you would reasonably expect an employee to be at work because those were the hours of the department - and, in addition, there must be some harm to someone's reputation. For example, a wholly uncredible accusation posted as fact upon a billboard. It is hard to understand what harm to someone's reputation could occur from one member of a five-member employer inquiring of a supervisor about any policies relating to conduct of employees which the employer reasonably understood to have occurred. Assuming a violation of work-rules occurred and was brought to the attention of the employer, the employer would reasonably be within its rights to discipline the employee, as well as any supervisor of that employee who had knowledge of the violation and failed to act to prevent it. If no violation of work-rules occurred, then nothing more occurs. **It is unreasonable to think that employers (or members of the board comprising the employer) would ignore a potential work-rule violation."**

Personnel Policies Manual for The Town of Hinsdale – Page 60 Standards of Conduct, section 9 Grievance Procedure – “It is the intent of the Town to rectify grievances informally whenever possible. Both supervisors and employees are expected to make every effort to resolve problems as they arise.”

Personnel Policies Manual for The Town of Hinsdale - Page 9 Employees Covered – “These policies and rules shall be applicable to all persons employed in the service of the Town.”

Personnel Policies Manual for The Town of Hinsdale – Appendix D Social Media Policy Section 4 Part A1 “Town personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair or impede the performance of duties, impair discipline and HARMONY AMONG COWORKERS, or negatively affect the public perception of the department.

Part 2B “Employees should assume that their speech and related activity on social media sites will reflect upon their position within the Town.”

Personnel Policies Manual for The Town of Hinsdale – Page 10 Policy Against Harassment – “The Town of Hinsdale is committed to providing a work environment that is free of harassment based on SEX, race, color, national origin, religion, AGE, military or veteran status, physical or mental disability, marital status, pregnancy, sexual orientation and any other characteristic protected by applicable law. The Town of Hinsdale recognizes the harmful effects of harassment and will not tolerate it.”