

From: Canales, Michael TownAdministrator@stockbridge-ma.gov
Subject: Select Board Meeting
Date: July 10, 2025 at 10:02 AM
To: carole42@verizon.net, Carole Owens carole@stockbridgeupdates.com
Cc: clarence fanto cfanto@yahoo.com, Leslee Bassman lesleebassman@gmail.com

Hi Carole,

I've included below an explanation of the standard protocols followed by the Town of Stockbridge when addressing personnel matters, particularly those involving union employees. These procedures are grounded in state law, federal labor standards, and collective bargaining agreements. I believe this overview addresses many of the questions and concerns you recently raised—questions that, as in the past, could have been clarified with a direct inquiry.

Your recent suggestion that residents attend a meeting to discuss personnel matters and related procedures—issues not listed on the posted agenda—is concerning. As you know, such discussions are not permitted under the Massachusetts Open Meeting Law. Encouraging actions that run counter to these legal requirements risks creating confusion rather than promoting understanding. I hope you will consider sharing the information below with your readers through *Stockbridge Updates* today to ensure the public has access to accurate and complete information. If additional clarification is needed, I encourage you to reach out directly or request a future agenda item through the Chair of the Select Board.

Sincerely,

Michael Canales

Town Administrator

Personnel Procedures

Town Administrator's Role

In a small town like Stockbridge, the Town Administrator must wear many hats—from procurement and grant writing to one of the most complex responsibilities: managing personnel. Human resources in the municipal context is not only sensitive but also governed by strict procedural, legal, and contractual frameworks. It must be handled with care, consistency, and full documentation to protect the interests of both the Town and its employees.

Transparency and Legal Boundaries

There is often public interest in understanding how personnel decisions are made. While the public has every right to understand the process, it is critical to distinguish between what is legally public and what remains confidential. Under the Massachusetts Public Records Law (M.G.L. c. 4, § 7(26)), information involving personnel and medical files is exempt from disclosure if releasing it would constitute an unwarranted invasion of personal privacy. The same applies to materials protected by attorney-client privilege and other statutes.

Therefore, we will not—and cannot—discuss the specifics of any individual employee's case. However, we are happy to explain the general process used by the Town of Stockbridge when addressing personnel concerns involving union employees.

Standard Procedure for Personnel Matters

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1. Initial Complaint or Incident

Concerns can originate from supervisors, coworkers, the public, or even anonymous sources. The first step is to assess whether the matter warrants further investigation.

2. Investigation

If necessary, the Town Administrator initiates an investigation, which may involve legal counsel or outside investigators, depending on the nature of the allegation. The findings are documented in a report, which is then shared with the employee and their union representative for a formal response.

3. Union Representation

Employees who are members of a collective bargaining unit are entitled to union representation throughout the process. This includes during investigatory interviews, disciplinary meetings, and hearings. The union representative ensures that the employee's rights under the contract and state and federal labor laws are protected. The union may also respond in writing to investigative findings and can offer mitigating information or context before any recommendation is finalized. The union plays a critical role in ensuring due process and fairness, particularly when discipline is being contemplated.

4. Recommendation and Leave Status

Based on the investigation and any response, the Town Administrator prepares a recommendation for the Select Board. In some cases, the employee may be placed on paid administrative leave, which is not a disciplinary action but a protective measure outlined in the collective bargaining agreement. This is used to preserve workplace integrity and allow the process to unfold in an impartial manner.

5. Disciplinary Hearing

When warranted, a disciplinary hearing is scheduled before the Select Board. Under M.G.L. c. 150E and federal "Loudermill" protections, public employees are entitled to a hearing before facing disciplinary action.

The agenda for such a hearing must be clear and specific. Contrary to claims, it is not sufficient to merely state "to enter executive session to discuss a personnel matter." The Attorney General supports the disclosure of the individual's name if discipline will be considered. This has been standard practice in Stockbridge for years.

6. Final Determination

The Select Board deliberates and may take actions ranging from dismissal of the matter to termination, transfer, or demotion. The employee may choose to resign at any point before or during this process. In such cases, only dates of employment are disclosed to the public; any further comment would violate the employee's privacy rights.

Clarifying Misstatements

A recent *Berkshire Eagle* quote attributed to Select Board Chair Jamie Minacci suggested that I offered the employee other positions. This is a misquote as those were potential alternatives that the Select Board could have considered had a hearing occurred. No offers

alternatives that the Select Board could have considered had a hearing occurred. No errors were extended.

The Town Administrator's Role

Stockbridge operates under a traditional Selectmen/Town Administrator form of government. In this model, the Town Administrator does not have unilateral authority to hire or fire department heads. In the case of union employees, any employment actions must be approved by the Select Board at a disciplinary hearing. The Town Administrator's role is to investigate, recommend, and ensure that all procedures conform to applicable laws, contracts, and best practices.

No structural change to this form of government has occurred.

On Transparency and Editorial Commentary

The Town of Stockbridge supports open government and values public input. All public meetings are posted and conducted in accordance with the Massachusetts Open Meeting Law. At the same time, personnel matters—particularly those involving disciplinary procedures—are governed by strict confidentiality protections under state law, federal law and collective bargaining agreements. Honoring these protections is not a failure of transparency; it is a legal and ethical obligation.

Recent commentary from *Stockbridge Updates*—including the use of metaphors like the “bad penny” and public statements suggesting that the “Stockbridge Way” is simply “being nice”—may resonate rhetorically, but do not reflect the practical responsibilities of municipal governance. Governance is not about pleasantries; it is about ensuring fairness, due process, legal compliance, and service to the public—all of which sometimes require making difficult, even unpopular, decisions.

Implying that enforcing accountability or following lawful procedures is somehow in conflict with being “nice” oversimplifies the role of public officials and undermines the serious nature of our obligations to taxpayers, employees, and the law. Civility is important—and we strive to treat everyone with respect—but civility is not the same as avoiding conflict or accountability. The two should not be confused.

While *Stockbridge Updates* has every right to raise concerns and question Town actions, we believe that such engagement should be rooted in facts, context, and a fair representation of events. Unfortunately, recent coverage has included distortions and selective framing that mislead rather than inform. The Town welcomes scrutiny, but not when it sacrifices truth or professionalism in the process.

Civic dialogue works best when it's conducted in good faith. We remain committed to respectful and transparent government and invite all who share that commitment to engage constructively with us.

Final Thought

Personnel matters are challenging for any town. They demand a balance of transparency, legality, fairness, and privacy. The Town of Stockbridge continues to uphold those principles, even when the process is difficult or the outcome unpopular.

We remain committed to operating lawfully, professionally, and with the utmost integrity.

Sincerely

Sincerely,

Michael J. Canales

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