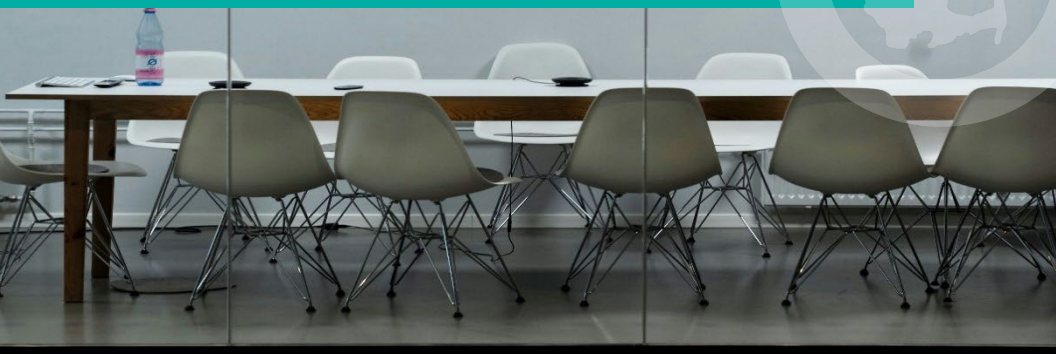




**OFFICE OF THE
INSPECTOR GENERAL**
MASSACHUSETTS

How to be an Effective Member of a Public Board or Commission



Guide for Members of Public Boards and Commissions

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Office of the Inspector General
Commonwealth of Massachusetts

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Dear Reader:

Congratulations on your appointment to a public board or commission (public board). Your service to the people of Massachusetts is essential to good government. Critical principles such as openness, fairness, and transparency rest in your hands. This guide provides an overview of your duties and responsibilities as a board member and is meant to serve as a starting point for your preparation to serve.

The Office of the Inspector General for the Commonwealth of Massachusetts (OIG) is an independent agency charged with preventing and detecting fraud, waste and abuse in the use of public funds and public property at the state and local level. The OIG investigates allegations of fraud, waste and abuse and identifies vulnerabilities and opportunities for improvement.

The OIG has investigated a variety of instances in which public boards or commissions failed to exercise their fiduciary duties and other oversight responsibilities, resulting in fraud, waste, and abuse of public resources. It is important to remember that the resources you manage or oversee belong to the public. Regardless of whether it is earned revenue or a state or municipal appropriation, all are public funds.

While many statutes and regulations may frame your responsibilities as a member of a public board or commission, no statute can require you to ask questions or read reports. Your own understanding of the role should guide you.

Thank you again for your commitment to fulfilling your duties and responsibilities as a public board member. Please accept the OIG's appreciation for your service.

Sincerely,

Jeffrey S. Shapiro, Esq., CIG
Inspector General

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Guide for Members of Public Boards and Commissions

By its very nature your board has oversight of or provides advice to an entity that uses public funds and/or public property. Your work is important, whether you are advising a public organization on policy matters, approving salaries, reviewing the budget, or assessing the executive director's performance. Your participation, insights and engagement as an active decision-maker are essential to ensuring that your public organization fulfills its mission and uses public resources appropriately. In nearly all instances, the board hires the chief executive, not vice versa. Remember you always have a right and duty to have answers to all your questions before you vote on a matter.

Public boards take many forms, such as:

- Public university boards of trustees
- Redevelopment authority boards of trustees
- Municipal light department boards of commissioners
- Housing authority boards
- Town finance committees
- Library boards of trustees
- Municipal select boards
- Economic dev. authorities

This guide outlines practices that will help you effectively perform your role. It also provides an overview of the laws that apply to your position. These laws relate to the meetings your board holds, your official acts and communications, and your individual conduct. These laws serve to promote open, transparent and accountable government, all of which are essential elements to our representative democracy.

The OIG has conducted numerous investigations of suspected fraud, waste, or abuse of public funds involving organizations that have a board or commission tasked with exercising oversight over the organization. As demonstrated by the case studies throughout this guide, the OIG has found, on many occasions, fraud, waste or abuse could

Members of any public board or commission can learn valuable lessons from past OIG's investigations. The takeaway can perhaps be summed up as "ask more questions."

have been prevented or limited had the board or commission members fulfilled their duties.

Appendix A contains additional resources, including contact information for state agencies that interpret and enforce the laws applicable to you and your board.



The **OIG Academy** offers training for members of public boards and commissions to help oversee their organizations and understand the importance of transparency, efficiency and accountability when making decisions, spending money and using public resources. The Academy also offers courses on a broad range of topics including public procurement, fraud awareness and prevention, and contract management.

Visit [OIG Academy | Office of the Inspector General \(OIG\)](#) for more information.

Practices for Effective Board Members

The following practices will help you succeed in fulfilling your obligations as a public board member.

Learn about the public organization.

When you are first appointed, learn about the public organization's mandate or mission, which may be found in state law or a local ordinance. A public organization's mandate often identifies the scope of its authority to carry out its public purpose or service, as well as any procedures governing how it achieves its mission and any regulations or by-laws that its officers or appointees must follow.

In addition, learn *how* the public organization fulfills its mission. Relevant information can be found in past annual reports and budgets, as well as a current organizational chart. Learn about recent achievements and upcoming initiatives or special projects.¹

The answers to these questions will help you understand how the public organization operates and will enable you to become an effective and involved board member.

- How is the organization structured?
- What is the organization's annual budget? Who sets the budget and who decides how it is spent?
- Who are the senior officials in the organization and what are their roles? What are the major projects or objectives that the public organization is considering over the next few years? What will be the projected cost of these projects?

¹ The State Auditor conducts periodic audits of state agencies, quasi-state agencies and housing authorities. If you serve on such a board, check the State Auditor's website, www.mass.gov/auditor, for audit reports on your public organization.

Case Study 1: Quasi-Public Agency

An OIG investigation found that the board charged with overall management of a quasi-public agency failed to exercise meaningful oversight of the agency's spending on a major project.

The agency's bylaws require the board "to supervise the management, operation and direction of all business and [agency] affairs," including appointing and overseeing the agency's general manager. The general manager, however, withheld critical information and made misleading or partial statements, which prevented the board from providing oversight of important decisions. Furthermore, some board members did not understand their role as stewards of public funds, believing that they were supposed to be the agency's "ambassadors" to the public and simply approve decisions rather than take initiative or question management.

After two years of repeated delays, board members finally acted to shelve the ill-conceived project, but by then, millions of dollars had already been wasted.

To understand their role and effectively execute their responsibilities, members of public boards and commissions need to be familiar with the statutes, bylaws and any other rules that govern the organization they serve. In addition, because they have a fiduciary duty to act in the public's best interests, they have an obligation to gather information, ask questions about management decisions and challenge those decisions if necessary.

When delays or cost overruns make successful completion of a project less certain, it may be more prudent for a board to stop funding the project.



- Who will manage the projects and how often will the board receive progress reports?
- Are the proposed projects and objectives consistent with the mission of the public organization and with the organization's budget and other priorities?

Educate yourself about the role of your board and your role as a board member.

To be an effective public board member, you need to understand your board's role with respect to the public organization. Some boards provide direct oversight to ensure that the public organization operates effectively and in accordance with its mandate, while others work in an advisory capacity to help guide a public organization toward particular goals and outcomes. The board's role is usually set out in a statute, local ordinance or other enabling document.

- What is the scope of the board's authority and what is the source of that authority?
- What matters typically come before the board?
- Based on the board's role with respect to the organization, are there other matters that should be brought before the board?

You should also understand how the board operates, including how often it meets, how the agenda is established and the procedures that govern the meetings. As a starting point, read the meeting minutes from at least the past four board meetings.

- How often does the board meet? Is the board required to meet on a specific schedule and, if yes, what is that schedule?
- Who sets the agenda for the meetings? Can board members submit topics for the agenda?
- Does your board follow written procedures for meetings, such as *Robert's Rules of Order*?
- How does the board vote? Are all votes conducted in the same manner?

Furthermore, take steps to learn how the chairperson and other officers are selected, if there are limits for serving as an officer and whether your

board may establish committees. Request lists of all current board members and committees.

Uphold fiduciary principles and act in the best interests of the public organization.

A fiduciary is someone who owes a particular duty of care, known as a fiduciary duty, to an entity or individual – in this case, a public organization. A fiduciary duty requires an individual to act with good faith, loyalty and due care. A fiduciary must act in the best interests of the public organization.

Fiduciary principles should guide the decisions that you and your board make. Adhering to fiduciary principles will help the board recognize that it is a steward of the public funds entrusted to the organization, and that the board plays a vital role in ensuring the public organization fulfills its mission. As part of upholding fiduciary principles, the board should always act independently, with care and in the best interests of the organization.

Board members who adhere to fiduciary principles will be active participants in board matters, will stay informed and will act in the best interests of the organization. Fiduciary principles remind the board that

A fiduciary is “someone who is required to act for the benefit of another person on all matters within the scope of their relationship; one who owes to another the duties of good faith, loyalty, due care, and disclosure.” Black’s Law Dictionary 12th ed. (2024).

it must act on behalf of the organization, not its executive.

They will lead the board to actively oversee the executive and to expect accountability from the executive, which will help the public organization operate effectively, transparently and in accordance with its mission.

Case Study 2: School Committee

The OIG reviewed the financial practices and oversight controls of a city and its school department after the department incurred a significant budget deficit. The investigation revealed that the school committee, responsible for approving and overseeing the department's budget and spending, failed in its fiduciary duty to ensure the school district spent only what was within its means.

Despite receiving monthly budget reports that showed many department expenses exceeding budget projections, the school committee did not attempt to address or even discuss the mounting deficit.

Many school committee members suggested that they did not have backgrounds in finance or accounting, which the OIG did not find to be a compelling response. OIG investigators learned that school department finance staff offered guidance during committee meetings and made themselves available to answer questions. The OIG found no evidence that committee members availed themselves of this assistance. Furthermore, school committee members do not need a specific background to perform their fiduciary duty. They have an obligation to ask questions, demand information about spending and take action to address financial issues facing the school department. This helps the school committee protect the public's investment in students.

If you are a member of a public board or commission and do not have an accounting or finance background, request a tutorial on how to read a financial statement. Never hesitate to ask for more information if you do not understand something before voting.

Never feel rushed to get a vote done.



Exercise care when making decisions and voting.

To be an active and effective board member, you must be informed.

Consequently, before your board meets, arm yourself with accurate information to make thoughtful decisions. Take time to prepare for meetings in advance; read the materials that are distributed and think about the issues on the agenda.

- How far in advance does the board receive meeting materials so that you can properly prepare for pending actions before voting on a matter before the board?
- What is the procedure for requesting the organization to provide additional information, either in advance or at the meeting?
- What is the procedure for asking individuals from the organization to attend the meeting to provide additional information?

Public discourse, analysis and debate are expected, whether public board members are trustees of a public college or commissioners of a local housing authority. When your board meets, ask probing questions that are relevant to the issue and debate the issue at hand during meetings to get information that will help you make informed decisions. If the chair of the board or an official in the organization does not provide you with the necessary information to make an informed decision, ask for it. If you do not receive the information you need, ask to change the date of the vote.

Before voting on a matter, ask:

- What statutes or regulations apply to the requested action?
- What internal procedures apply to the requested action and were those procedures followed?
- Does the requested action align with the public organization's mission, responsibilities, priorities and budget?
- Do you need additional data so that you can make an informed decision?
- Do you need to hear from others in the organization? For instance, does legal counsel or human resources have information necessary to make this decision?

Finally, exercise your own judgment and always act in the best interests of the public organization. Do not allow yourself to be marginalized by an executive or fellow board member who may assert knowledge or expertise above yours or who simply does not agree with you. Do not rubber stamp official acts that come before your public board – your work is important and you need to be informed.

Actively oversee the executive who leads the organization.

It is likely that your public organization is run by an executive, such as a public college president, a director, general manager or other professional, and that your board is responsible for overseeing the executive. If so, respect the trust the public placed in you. While you do not want to micromanage the day-to-day management of the public organization, you do want to make certain that the executive’s actions align with the objectives of the public organization. The executive reports to you and is accountable to the board. Be an active overseer.

Establish an independent audit committee that reports to the board to periodically audit reimbursements and expenses at the executive level.

Expect the executive to inform the board of major projects, expenditures and initiatives in a timely fashion. Use board meetings to discuss substantive issues with the executive, such as budget planning, capital projects and significant policy matters. Ask questions, seek clarification and get back-up documentation. Collaboration with the executive will require open communication and information sharing.

Case Study 3: Municipal Housing Authority

The OIG investigated a municipal housing authority's contract with its former executive director and found that the housing authority's board did not fulfill its fiduciary obligations when reviewing and approving the contract.

The outgoing executive director prepared and presented to the board a contract to provide consulting services that would take effect on the director's retirement. Because board members did not review the contract or ask questions before voting on it, they were not fully aware of the contract terms, including costs. In addition, the board did not follow the public procurement law that applies when seeking consulting services, likely was not keeping the best interest of the housing authority in mind, and the outgoing director may have violated state ethics law.

This case study provides another example of public board members who did not understand their fiduciary obligation to act in the best interests of the public and the organization they serve. To prevent similar issues, the OIG recommends that public organizations develop written guidelines about fiduciary responsibilities for board members and require all board members to review these guidelines annually.



- What are the executive's objectives and priorities for the organization?
- Do these objectives align with the organization's mission and values?
- What are the financial costs of achieving these objectives?

To help both the executive and the organization, your board should conduct an annual performance evaluation of the executive. It also must establish a system to track and account for the executive's vacation, sick and work time. Both the performance assessment and the mechanism used to account for the executive's time should be established in writing. The board also should ensure that the organization can track other expenses and requests for reimbursements.

The board should approve the executive's expenses and reimbursements (at least those above a certain dollar threshold). This includes reviewing the back-up documentation for the executive's expenses and reimbursements. Staff who report to the executive are not in a position to question the executive's performance, expenditures or conduct; the board's independence and oversight in this regard are therefore critical.

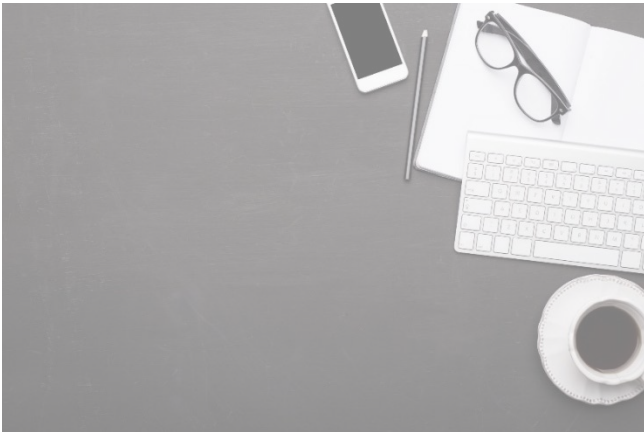
Similarly, perform your due diligence before signing the executive's contract – whether it is the executive's first contract or a renewal. Your board should do its own independent research to ensure that the salary and other benefits offered, including vacation time, sick leave and other fringe benefits, are reasonable and consistent with standard practices. Make sure that they are comparable to those of other executives with like experience and expertise who work in similar public settings. And very importantly, ensure that the compensation is consistent with the public organization's budgetary commitments. As retirement approaches, be very cautious about contracts that transition a former agency leader to a post-retirement consulting contract.

Case Study 4: Municipal Commission

An OIG investigation found that a commission established to oversee and manage a town department failed to provide adequate oversight of department employees. The department did not have written procedures for employee time reporting, approval and use of leave time, and it did not track or maintain records of employee hours. The OIG also found that the department head worked hundreds of hours for two different state agencies while he was scheduled to work for the town without taking corresponding leave time, possibly violating state ethics law.

How did this happen? Although the town itself had clear employee policies in place, the commission was independent and did not have to follow town policies. However, the commission was still required to follow Massachusetts law and institute policies and controls to safeguard the public's funds. Ultimately the independent board signed a MOU with the town to follow town policies and procedures for HR and time reporting.

Board members need to educate themselves about the laws and regulations they are required to follow.



Finally, apply the same due diligence if you must recruit a new executive for the public organization. Conduct an appropriate search that provides you with a talented applicant pool. As part of the selection process, speak with references and conduct a background check.

- What is the organization’s budget for the executive’s salary?
- How much time is the executive required to devote to the public organization?
- How does the organization document and verify the executive’s work, vacation and sick leave hours?
- What is the public organization’s expense reimbursement policy?
- Is it consistent with the public organization’s mission and objectives? Does it clearly define how the executive’s expenses are reviewed and approved?
- Do the executive’s reimbursement requests match legitimate expenses related to the public organization’s public purpose?

Actively monitor and protect public expenditures.

Your public board may be responsible for approving budgets, capital projects and other expenditures. If that is the case, your board ensures that a public organization utilizes its finite public resources wisely and complies with the laws that govern the use of those resources. You are the steward of those resources as a public board member.

The OIG provides several resources, including procurement charts and manuals, to help you understand public bidding and construction laws. For more information, please visit the OIG’s website at www.mass.gov/ig.

As a starting point, learn to read a financial statement. Use the same principles that you use to ensure that you do not overspend your household or personal expenses. You do not need to be an accounting expert, but understanding financial statements is essential to ensuring that your organization is using its public resources appropriately. If accounting is not your area of expertise, ask a professional from within the organization to give the board a tutorial on reading financial

statements. Be sure not only to look at the figures in the financial statement, but also to review the accounting firm’s notes regarding litigation and other matters that may affect the financial soundness of the organization. Also, when financial material is presented at a board meeting, ask questions to clarify any unclear information. Chances are high that if you are uncertain about the information, other board members are, too.

You also should understand the public bidding laws that apply to your organization. In Massachusetts, many public organizations must follow particular laws and procedures before undertaking construction projects; buying supplies, services and real property; or disposing of surplus supplies and property. The Legislature designed these laws to ensure that all qualified vendors have a fair and equal opportunity to compete for public contracts and that taxpayer money is spent wisely. To the extent possible, educate yourself on these laws. (For municipal officials, the key procurement law is MGL 30B and the key law for state officials is MGL 7.) Additional resources to help you understand these laws are available in Appendix A at the end of this guide.

- What laws must the public organization follow related to purchasing or disposing of goods, services and real property?
- What laws must the public organization follow in connection with construction projects?
- What are the public organization’s written procurement policies?
- What audit procedures are in place to ensure that the organization is complying with state law and its internal procedures?

Before purchasing goods or services for your city or town, please check with procurement officials within your jurisdiction to ensure that proper procedures are followed.

At the state level, the Massachusetts Comptroller maintains “CTHRU,” a comprehensive electronic database of state expenditures, including state salaries and payments made to vendors by state agencies. Use this database available at [CTHRU - Office of the Comptroller](#) to learn more

about your agency's expenditures or to compare your organization's expenses to other public organizations.

If you are a member of a board that serves a local public organization, inquire about whether there is an electronic resource like CTHRU, so that you may have more information at your fingertips about the budget, salaries and spending of the organization. If not, you are certainly able to request such financial information from the appropriate official or department within your organization. This will help you make meaningful determinations about financial matters that come before your board.

Detect and report suspected fraud, waste or abuse of public resources.

Any misuse of public funds and resources affects a public organization's financial well-being, reputation and ability to accomplish its mission. As a public board member, you have an important role in preventing and detecting fraud. You and your fellow members are custodians of the public trust. You have the responsibility to protect public resources, including money, assets, real property, employee time, digital records and other types of data. Massachusetts residents have entrusted these public resources to your care.

While the vast majority of public employees are honest and hardworking, there are always a few who have nefarious intent. Since fraud and other misconduct occur, so you must diligently apply preventative measures – often referred to as internal controls – to help safeguard public assets and taxpayers' interests. As a result, all organizations need internal controls. Every internal control must be based on the specific organization. Some common elements of an internal control plan to protect public resources include the following:

- Tone at the top: communication from the organization's leader about its commitment to the highest ethical and professional standards.

- The segregation of duties performed by employees to ensure no one individual can commit and cover up their own wrongdoing.
- Approval processes for expenditures, with increased oversight for larger expenditures.
- Methods to track and monitor employee time and attendance, including the use of leave time.
- Controls to track the public organization’s acquisition and disposition of public assets, such as vehicles, equipment, supplies and petty cash.
- Fraud-reporting mechanisms, including a telephone or email hotline or an independent complaint review process.
- An anti-fraud policy, as well as employee training on the policy and annual reminders about the policy.
- A code of conduct with standards related to conflicts of interest and other professional standards that align with the public organization’s mission.
- Careful vetting of employees – both before and after hiring – to ensure that their background and professional certifications meet the organization’s standards and support the organization’s mission.

Further, you should determine whether the board has an internal audit committee to check and verify expenses. If not, advocate for the creation of one. The board needs to set the “tone at the top” and communicate that the public organization has zero tolerance for fraud and other inappropriate activity. An ethical work environment with internal controls is essential to the proper use of public resources.

- What fraud risks exist in the public organization your board oversees?
- What types of internal controls are in place to properly monitor the use of public resources?
- Does the public organization or your board perform compliance reviews or audits?

- Does your public organization have an anti-fraud program that includes training, policies, employee background checks and a fraud hotline or other fraud-reporting mechanisms?

Report suspected fraud, waste or other misuse of public funds on our online [form](#)

Telephone: (800) 322-1323

Email: IGO-FightFraud@mass.gov

All reports are confidential.

Legal Obligations of Public Board Members

As a member of a public board, you are subject to certain laws with which you should become familiar.

Conflict-of-Interest Law

The state's conflict-of-interest law is designed to ensure that all public employees act for the benefit of the public organization, without bias or concern for personal gain. The law impacts your conduct as a board member, as well as certain activities you undertake separate from your board membership. For instance, the law:

- Restricts you from discussing or voting on matters in which you, your immediate family member, or your private business has a financial interest.
- Restricts you from accepting gifts and gratuities given because of an official act or official position, even if the gift or gratuity would not influence your actions as a board member.
- Requires you to disclose in writing any appearances of a conflict of interest prior to performing your official duties.
- Prohibits favoritism toward a family member or friend or bias against anyone.
- Restricts you from representing business or other interests before your board.
- Requires annual training on the conflict-of-interest law and review of a summary of the conflict-of-interest law.
- Requires board members to file disclosures in certain instances involving actual and potential conflicts of interest.

The State Ethics Commission is responsible for the oversight of these laws and provides free advice to all public employees on the conflict-of-interest law. Its website, www.mass.gov/ethics, also contains helpful advisories, guides and rulings.

Open Meeting Law

Like the conflict-of-interest law, the open meeting law applies to both your individual conduct and the board's operations. The open meeting law promotes transparency in government and contains specific notice requirements to ensure that the public knows – prior to the meeting – when and where the board will meet and the topics the board will discuss.

Specifically, the law states that:

- Public boards must give advance notice of the topics that will be discussed at a meeting.
- Meetings of public boards must be open to the public, although in limited circumstances members *may* hold certain aspects of the meeting in closed session, away from public view (see Appendix B).
- Discussing certain matters with other board members outside of a properly noticed meeting – such as by email or telephone – will likely violate the open meeting law.

The Massachusetts Attorney General's Office (AGO) is responsible for interpreting and enforcing the open meeting law. It produces a comprehensive guide to the open meeting law, as well as helpful educational material and opinions. The AGO also provides training about the open meeting law. Visit the AGO's website, www.mass.gov/the-open-meeting-law, or contact the AGO's Division of Open Government at (617) 963-2540, to learn more about the open meeting law.

Public Records Law

The public records law supports transparency of the decision-making process and promotes the accountability of public employees, public boards and government officials to the taxpayers.

The law requires public entities to retain records for a designated period and to provide those records in response to a public records request. *All records related to the board's business are public, even if the records are stored on a personal computer, personal cellphone or personal email account.*

All public boards receive and generate public records in the regular course of business. You also generate public records when you operate in your official capacity as a public board member. If you communicate with another individual in your official capacity or exchange information about matters under your board's purview, for instance, you may create a public record even if you use your personal email, voicemail or video recording to transmit that information. Also, it is a common misperception that communications sent by board members from personal email accounts or via text messages are not subject to the public records law. This is incorrect; all board-related communications are subject to public disclosure.

For more information on the state's public records law, please contact the Public Records Division at the Secretary of the Commonwealth's office at (617) 727-2832. The Secretary of the Commonwealth offers a free, comprehensive resource, "[A Guide to the Massachusetts Public Records Law.](#)"

Appendix A: Sources of Advice and Assistance

Office of the Attorney General

The Office of the Attorney General interprets and enforces the open meeting law.

Telephone: 617-963-2540

Email: openmeeting@mass.gov

Website: www.mass.gov/ago

[The Open Meeting Law | Mass.gov](#)

Office of the Comptroller

The Office of the Comptroller is responsible for developing internal control guidelines for Commonwealth departments, including state agencies and quasi-state agencies.

Telephone: 617-727-5000

Email: comptroller.info@mass.gov

Website: www.mass.gov/comptroller

Office of the Inspector General

The Office of the Inspector General is an independent agency that prevents and detects fraud, waste and abuse of public resources.

Telephone: 617-727-9140

Email: MA-IGO-Training@mass.gov

Website: maoig.gov

Secretary of the Commonwealth

The Secretary of the Commonwealth administers the public records law.

Telephone: 617-727-2832

Email: pre@sec.state.ma.us

Website: [Public Records Division](#)

State Ethics Commission

The State Ethics Commission administers and enforces financial disclosure and conflict-of-interest law. It also provides written advisory opinions upon request.

Telephone: 617-371-9500

Website: www.mass.gov/ethics

Appendix B: Reasons for Entering Executive Session

While all meetings of public bodies must be open to the public, certain topics may be discussed in executive, or closed, session. The open meeting law, [M.G.L. c. 30A, § 21](#), sets out ten permissible reasons for entering executive session:

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual;
2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
9. To meet or confer with a mediator, as defined in [section 23C of chapter 233](#), with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:
 - (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and

(ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

10. To discuss trade secrets or confidential, competitively sensitive or other proprietary information provided in the course of specified activities conducted by a governmental body as an energy supplier or a municipal aggregator [specific activities and statutory references omitted].

Public Body Checklist for Entering Executive Session

Issued by the Massachusetts Office of the Attorney General's Division of Open Government
November 2024

- Executive session must be listed as a topic for discussion on the meeting notice, including as much information about the anticipated discussion as possible without compromising the purpose(s) for which the executive session is called. See G.L. c. 30A, § 21(b)(3).
- Public body must convene in open session first. G.L. c. 30A, § 21(b)(1).
- During the open session, prior to convening in executive session, Chair must state the purpose for executive session, identifying one or more of the 10 purposes found at G.L. c. 30A, § 21(a). G.L. c. 30A, § 21(b)(3).
- During the open session, prior to convening in executive session, Chair must state all subjects that may be revealed without compromising the purpose for which the executive session was called. G.L. c. 30A, § 21(b)(3). For example, under most circumstances Chair must identify the party with whom the public body will be negotiating (Purpose 2), the litigation the public body will discuss (Purpose 3), or the property being considered for purchase (Purpose 6). G.L. c. 30A, §§ 21(a)(2), (3), (6).
- Chair must publicly announce whether the public body will return to open session upon conclusion of the executive session. G.L. c. 30A, § 21(b)(4).
- Some of the 10 Purposes under G.L. c. 30A, § 21 are subject to requirements specific to that purpose. A non-exhaustive list includes the following:
 - Purpose 1: The individual to be discussed must be notified in writing at least 48 hours prior to executive session. That individual has certain rights including, but not limited to, the right to have the discussion occur in open session, and the right to be present. G.L. c. 30A, § 21(a)(1).
 - Purpose 3: When stating the purpose of the executive session, Chair must declare that an open meeting may have a detrimental effect on the public body's bargaining or litigating position. G.L. c. 30A, § 21(a)(3).
 - Purpose 6: When stating the purpose of the executive session, Chair must declare that an open meeting may have a detrimental effect on the public body's negotiating position relative to the purchase, exchange, or lease of real property. G.L. c. 30A, § 21(a)(6).
 - Purpose 8: When stating the purpose of the executive session, Chair must declare that an open meeting may have a detrimental effect in obtaining qualified applicants. G.L. c. 30A, § 21(a)(8).
- During the open session, prior to convening in executive session, a majority of members of the body must vote to enter executive session. The vote of each member must be recorded by roll call and entered into the minutes. G.L. c. 30A, § 21(b)(2).

Note that this checklist is intended as an educational guide and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@mass.gov. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.

RECOGNIZE AND REPORT WORKPLACE FRAUD

Office of the Inspector General - Commonwealth of Massachusetts

WHAT IS WORKPLACE FRAUD?



Time fraud: getting paid for hours not worked.



Larceny: selling or using publicly owned equipment for your own benefit.



Kickbacks: awarding a contract to a vendor in exchange for payment.



Billing fraud: submitting false invoices or expense reports.



RED FLAGS

Living beyond means: vacations, jewelry, cars, clothes.

Sudden financial pressure: divorce, illness, job loss.

Unusually close relationship with vendor/customer.

Control issues: unwilling to share duties, go on vacation.

Defensive when questioned.

Resistant to new controls.

REPORT

If you suspect fraud, make a confidential report to the Office of the Inspector General's Fraud hotline.



1-800-322-1323

IGO-FightFraud@mass.gov



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