
MIRICK O'CONNELL

A T T O R N E Y S A T L A W

Michael P. Murphy
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
mmurphy@mirickoconnell.com
t 508.860.1477
f 508.463.1386

July 24, 2018

VIA EMAIL

jmartin@qcc.mass.edu

Josh Martin
Director of Institutional Communications
Quinsigamond Community College
670 West Boylston Street
Worcester, MA 01606

Re: Public Records Response

Dear Mr. Martin:

I am in receipt of your response (copy enclosed) to my public records request for records pertaining John McHugh. While I appreciate the response you provided, it did not include the corresponding documents.

In addition, your response that the remaining information I requested is exempt from disclosure pursuant to MGL Chapter 4, Section 7(26)(c), is not legally correct. None of the information requested is of a highly personal nature so that part of exemption (c) does not apply. With respect to records that you believe to be personnel records, public employees have a diminished expectation of privacy in matters relating to their public employment, particularly with respect to information pertaining to salary. Exemption (c) is not a blanket exemption as it applies to public employees. For example, exemption (c) does not automatically render resumes exempt in their entirety.

I would prefer to resolve this issue without filing an appeal with the Supervisor of Public Records. Therefore, I am renewing my request for the following documents:

1. All documents evidencing John McHugh's date of hire by Quinsigamond Community College.
2. All documents concerning the hiring of John McHugh by Quinsigamond Community College and his terms and conditions of employment with Quinsigamond Community College, including but not limited to, application(s) for employment, offer letters, and employment contracts or agreements.

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

MIRICK O'CONNELL

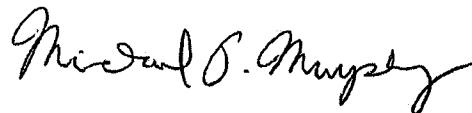
Josh Martin
July 24, 2018
Page 2

3. All records of payments made to John McHugh by Quinsigamond Community College beginning January 1, 2012 to the present, including but not limited to W-2 forms, pay stubs, and other records of payments.

With respect to number 3, the request for records of payments, I direct your attention to Hastings & Sons Pub. Co. v. City Treasurer of Lynn, 374 Mass. 812 (1978). In that case, the Supreme Judicial Court held that the payroll records of public employees, including financial statements containing records of base pay, overtime pay, and gross pay, paid to public employees were subject to disclosure under the public records act. The Court found that disclosure of such records was not an invasion of privacy and did not involve details of a highly personal nature. Accordingly, the requested records are subject to disclosure.

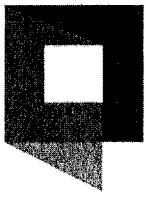
Please provide all documents that respond to the above requests as soon as possible.

Sincerely,



Michael P. Murphy

/cas
Enclosure



QUINSIGAMOND

Community College

Institutional Communications

V: 508.854.7513 • F: 508.854.4357

May 17, 2018

Michael Murphy
Mirick O'Connell
100 Front Street,
Worcester, MA 01608

RE: Public Records Request

Dear Mr. Murphy:

Thank you for your recent Public Records Request. The Massachusetts Public Records Law (M.G.L. Chapter 66 & Chapter 4, Section 7(26)) provides that every person has a right to access public information. This right of access includes the right to inspect or be furnished a copy of any public record within ten (10) business days following the receipt of a request. A state agency is only required to provide records that are in existence and is not required to create a new record based on information in its custody to accommodate a specific request.

Quinsigamond Community College is in receipt of your request for public records concerning Mr. John McHugh, Veterans Affairs Coordinator. In response to your request, the College provides you the following information:

- Mr. McHugh's hiring date for this position was March 10, 2014.
- Mr. McHugh's salary upon hiring was \$25.50/hour. His current salary is \$28.29/hour.
- Mr. McHugh did not receive an appointment letter.

The remaining information you have requested is exempt from disclosure pursuant to MGL Chapter 4, Section 7(26)(c).

Sincerely,

Josh Martin
Director of Institutional Communications