

Lesson Plan

for Handout (HO) and PowerPoint (PP) entitled

When You Need to Know: Getting Information by Informal and Formal Means

- I. HO pages 1-2, PP slides 2-11: **Informal Means**
 - HO p.1, PP s. 2: Ask somebody you know for the information.
 - HO p. 1-2, PP s. 2-11: Look for the information on the internet.

- II. HO p. 2-3, PP s. 12-15: **Collective Bargaining Agreement**
 - HO p. 2, PP s. 13: **Union Rights**
 - Article 8.8: monthly lists of new, reclassified, terminated employees.
 - Article 8.13: employee lists and public information
 - HO p. 2, PP s. 14-15: **Employee¹ Rights**
 - Article 10.3: necessary information for investigating grievance
 - Article 12.15: notice of disciplinary action proposed to be taken; copy of charges and materials upon which disciplinary action is based

- III. HO p. 3-5, PP s. 16: **Higher Education Employer-Employee Relations Act**
 - HO p. 3-4, PP s. 16: all information that is necessary and relevant to discharging **union**'s duty to represent unit employees

- IV. HO p. 5-8, PP s. 17-21: **California Public Records Act**
 - HO p. 6, PP s. 19: Requested public records must be made promptly available to **any person** upon payment of fees covering direct costs of duplication.
 - HO p. 7-8, PP s. 20-21: **Exclusions**
 - preliminary drafts etc.
 - personnel, medical, or similar files
 - other records when public interest served by not disclosing the record clearly outweighs public interest served by disclosure of the record

¹ Includes APC when it is the grievant or the grievant's representative.

V. HO p. 8: Comparison of CBA, HEERA, and PRA

	CBA			HEERA	PRA
	Article 8	Article 10	Article 12		
Who Can Make the Request?	“APC”	“the grievant or his/her representative”	“the employee”	APC	“any person”
What Does the CSU Have to Disclose?	“employee lists” & “public information”	“information”	“a copy of the charges and materials upon which the disciplinary action is based”	“all information that is necessary and relevant to discharging its duty to represent unit employees”	“public records”
What Are the Limitations on Disclosure?	<ul style="list-style-type: none"> • privacy • confidentiality • FERPA etc. 	<ul style="list-style-type: none"> • privacy • confidentiality • FERPA etc. 	none	<ul style="list-style-type: none"> • privacy • confidentiality • FERPA etc. 	<ul style="list-style-type: none"> • “preliminary drafts” etc. • “personnel, medical, or similar files” • “public interest served by not disclosing the record clearly outweighs the public interest served by disclosure” • FERPA etc.
What Will Disclosure Cost?	negotiable	negotiable	negotiable	negotiable	\$0.20/page (“direct cost of duplication”)
When Will I Get the Stuff?	reasonable time after agreement to pay	reasonable time after agreement to pay	reasonable time after agreement to pay	reasonable time	“promptly . . . upon payment” (initial response within ten days)
Can I Get Attorneys’ Fees if I Have to Sue to Get the Stuff?	no	no	no	no	yes

VI. HO p. 9, PP s. 22-25: Making an Information Request

- HO p. 9, PP s. 23: Only **union** can use HEERA; **employee** must use PRA.
- HO p. 9, PP s. 24: PRA covers only existing **documents**; HEERA also covers **information** not contained in existing documents.
- HO p. 9, PP s. 25: Consider asking for information in **redacted** and/or **electronic** form.