

[External] CSUSB Public Records Request

Heather Hopkins <HHopkins@csusb.edu>

Thu 11/9/2023 10:29 AM

To:Parker, Amy <amyipdev@csu.fullerton.edu>

Cc:CSUSB Public Records <public.records@csusb.edu>

External Email Use Caution and Confirm Sender

Dear Ms. Parker,

We received your 10/31/2023 Public Records Act request for the following records:

copies of all "plans" (as mentioned in this communique: <https://www.calstate.edu/csu-system/faculty-staff/labor-and-employee-relations/Documents/unit3-cfa/Communique-CFA-Strike-Update-A-10-31-23.pdf>) for continuity of operations ("campuses [remaining] open" and the "developed plans to minimize disruptions to operations") retained by CSUSB, not otherwise exempt from disclosure.

CSU has conducted a reasonable search for these records under Government Code §7922.535 and has determined the request calls for documents that are not disclosable under the California Public Records Act ("CPRA"). The CPRA includes an exemption concerning collective bargaining negotiation and planning under the Higher Education Employer-Employee Relations Act ("HEERA"). HEERA is codified in Chapter 12 of the Government Code at Sections 3560-3599 and covers labor relations between employers and employees for the CSU and UC systems.

The express exemption in Government Code section 7928.405 subsection (a) provides:

Except as provided in Sections 7924.510, 7924.700, and 7929.610, **this division does not require the disclosure of records of state agencies related to activities governed by Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), and Chapter 12 (commencing with Section 3560) of Division 4, and Article 19.5 (commencing with Section 8430) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, that reveal a state agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under these chapters.** (emphasis added)

Strikes and strike contingency planning are both an inherent part of the collective bargaining process governed by HEERA. Accordingly, the records you seek are exempt from disclosure under Government Code section 7928.405. Many records are also exempt under the attorney-client privilege and attorney work product doctrine. Cal. Govt. Code §7927.705; Cal. Evid. Code §950, et seq., Cal. Code Civ. Pro. §2018.030(a).

The decision that records are exempt and will not be disclosed was made by the Records Access Officer at CSUSB.

Please note that the CSU publicly posts information about labor and employee relations developments: <https://www.calstate.edu/csu-system/faculty-staff/labor-and-employee-relations>.

Best,

Heather L Hopkins, MBA

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