

## FW: Strike Continuity of Operations PRA

Grogan, Anne <agrogan@fullerton.edu>

Fri 11/3/2023 1:47 PM

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

Cc:Grogan, Anne <agrogan@fullerton.edu>;Mikhail, Stephanie <stmikhail@Fullerton.edu>

Dear Ms. Parker,

We received your October 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 **CSU Fullerton**, 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 CSU Fullerton, Anne Grogan.

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>.

Sincerely,

**Anne Grogan (she/her)**

Interim Compliance Manager

Risk Management & Compliance

Human Resources, Diversity, and Inclusion  
California State University, Fullerton  
P: 657-278-5465



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**From:** Parker, Amy <[amyipdev@csu.fullerton.edu](mailto:amyipdev@csu.fullerton.edu)>  
**Sent:** Tuesday, October 31, 2023 9:55 PM  
**To:** Public Records Requests <[publicrecord@Fullerton.edu](mailto:publicrecord@Fullerton.edu)>; Grogan, Anne <[agrogan@fullerton.edu](mailto:agrogan@fullerton.edu)>  
**Cc:** Mikhail, Stephanie <[stmikhail@Fullerton.edu](mailto:stmikhail@Fullerton.edu)>  
**Subject:** Strike Continuity of Operations PRA

Hello,

I hereby request, under Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code (also known as the "California Public Records Act"), 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 CSU Fullerton, not otherwise exempt from disclosure.**

I am requesting electronic copies of these documents, and as such, no fees should apply; if any documents need to be scanned, please alert me, and I may exert my right to scan the documents myself.

If any documents are nondisclosable, those documents should be segregated, and the disclosable documents provided. If content on/materials in the documents are nondisclosable, those should be redacted pursuant to GOV 7922.525(b).

If you have any questions about this request, you can contact me at this email address, or at (562) 299-8551 by SMS or RCS (phone calls may not always be returnable).

If any segregations are performed, or this request is denied in its entirety, please note that under GOV 7922.540, the names of *all* individuals involved in the denial of the record must be provided.

Under GOV 7922.535(a), the records must be provided within ten calendar days; as such, please provide the records by no later than November 10, 2023 (with intentional delays to or beyond that point prohibited by GOV 7922.500).

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Amy Iris Parker

she/her/hers

CSUF CS '25

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