

Contractual Rights Training 2014
Formatting a Request for Information
(aka Necessary and Relevant Information Demand)

Make sure we can find it later! Put it in an email and also in a formal attached document, dated and preferably on letterhead. Put RFI in the email subject heading. If part of a grievance proceeding, make sure staff posts the document to the grievance folder in the grievance archive.

General grounds: HEERA 3571 b and c (as interpreted by case law)

FIRST REQUEST:

“Pursuant to HEERA, we request the following necessary and relevant information...
be specific; it has to be ‘presumptively relevant’
give a date certain by which you want to have it.

Possible responses:

They give you the information

They ask for clarification

They claim it’s not presumptively relevant

They claim it’s unduly burdensome

They claim it violates unit members’ legal rights to privacy
(they can’t usually prove this)

They claim they don’t have the information, never had it, don’t know how to get it

Totally illegal responses:

Failure to respond at all

We don’t want to give it to you – with no reason why

SECOND REQUEST:

“Pursuant to HEERA, this is our SECOND REQUEST for the following necessary and relevant information...

address any of their requests for clarification or any other objections;

repeat your specifics and explain why it’s relevant

give a date certain by which you want to have it.

THIRD REQUEST:

Repeat all of the above and add:

“Failure to provide the UC-AFT and its Local __ with the necessary and relevant information required as the sole bargaining unit representative discharging its duties under HEERA will result in further action, up to and including an Unfair Practice Charge filing with PERB.”

TO BE CONTINUED – staff will file the Unfair Practice Charge.