

Information you can request for Bargaining

Under the U.S. National Labor Relations Act (governed by the NLRB) , and the Public Employees' Fair Employment Act (governed by PERB), Unions have a right to get all sorts of information from the employer if *it is needed to enforce the contract and defend the members*. The kind of information that must be provided - if it's relevant to the situation (negotiations, grievance, discipline, etc.) - is sweeping or broad. The employer must pay for supplying the requested information unless it can show that "substantial costs" are involved. In this case, the Union and employer must bargain over sharing the burden. If the costs are too high the Union can request direct access to the information. The information requested **cannot** be for a fishing expedition (Hey, let's ask for a bunch of stuff to see what we can find out!)

PERB has held that a Union is entitled to be supplied with certain information by a public employer. It has stated:

[A]n employee organization may request, and is entitled to receive, information which is necessary for the preparation for collective negotiations, ...and information necessary for the administration of a contract including the investigation of grievances. In both cases, the obligation of the employer would be circumscribed by rule of reasonableness, including the burden upon the employer to provide the information, the availability of the information elsewhere, necessity therefor, the relevancy thereof and, finally, that the information supplied need not be in the form requested as long as it satisfies a demonstrated need. (Albany City School District, 6 PERB ¶3012 [1973])

You must be able to state why your request is reasonable. You must include a reasonable date for the employer to provide the information by as well (usually 2 weeks). The date will determine the trigger for the time frame to file an Improper Practice (IP) charge with PERB or an Unfair Labor Practice (ULP) with the NLRB. Below is a list of examples of information that can be asked for:

- accident reports
- attendance records
- Audited Annual Financial Statements
- bargaining notes
- Bond Prospectus (showing the municipalities credit rating)
- bonus records
- collective bargaining agreements for other bargaining units or other facilities
- company manuals, policies, and guidelines
- contracts with customers, suppliers and subcontractors
- correspondence
- customer/parent/resident complaints
- customer/parent/resident lists
- disciplinary records
- equipment specifications
- evaluations
- Health insurance, Dental, Vision, Disability, Pension, 401k, 403b benefits
- inspection records
- insurance policies, Summary Plan Descriptions (SPD)
- interview notes
- interim financial reports
- investigative reports
- job assignment records
- job descriptions, titles, grades, salaries
- material safety data sheets (MSDSs)
- payroll records
- personnel files

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- photographs
- piece-rate records
- proposed and or adopted budgets
- reports and studies
- Requests for proposals (RFP)
- security guard records
- security reports
- seniority lists/hire dates/transfer dates
- supervisors' notes
- time study records
- training manuals
- videotapes
- wage and salary records (hourly and/or salary)
- work rules

What other types of information can you think of to request that might be relevant to bargaining? List them below: