

ARTICLE 17: **MISCELLANEOUS PROVISIONS**

17.100 Concerted Activities

17.110 The Association, officers, agents, or members will not strike, engage in work stoppage, slowdown, or picketing in furtherance thereof, to comply with the request of other labor organization(s) to engage in such activity, nor engage in any unlawful interference with the operation of the District.

17.120 It is agreed and understood that any bargaining unit member violating this Article may be subject to discipline up to and including replacement or termination.

17.130 The Association recognizes the duty and obligation of its representatives to comply with the provisions of this Agreement, and to make every effort toward inducing all bargaining unit members to do so.

17.140 This provision shall not apply to the period following factfinding during the reopening of the negotiations process.

17.200 Completion of Negotiations

The Association and District expressly waive and relinquish the right to meet and negotiate, except as provided in this Agreement, and agree that the parties shall not be obligated to meet and negotiate with respect to any subject or matter, whether referred to or covered in this Agreement or not, even though such subject or matters may not have been within the knowledge or contemplation of either or both the parties at the time they met and negotiated on and executed this Agreement, and even though such subjects or matters were proposed and later withdrawn.

The District shall post the changes agreed upon in this agreement on the District website within ninety (90) days of ratification. Two (2) copies of the agreement will be provided to each school with one copy for the staff and the other for the administration.

17.300 Savings Provisions

If any provision of this Agreement or any application of this agreement to any unit member or group of unit members is held to be contrary to law by a court of competent jurisdiction, then such provision or application shall not be deemed valid and subsisting, except to the extent permitted by law, but all other provisions or applications shall continue in full force and effect until otherwise modified. If the court's decision pertains to salary and/or health and welfare benefits for either current employees, retired unit employees, or any other bargainable issue, then negotiations shall commence within 10 days of the court's decision.

17.400 The District will amend its written policies and procedures and take such other action by resolution or otherwise as may be necessary to give full force and effect to the provisions of this Agreement. In cases of conflict, this Agreement shall be read to prevail over existing policies and practices of the District.

ARTICLE 17: MISCELLANEOUS PROVISIONS – continued

17.500 Reopening of Negotiations

17.510 The parties agree to open negotiations upon notification by the Association for the succeeding contract.

17.600 Contract Waiver

17.610 When the school site proposes to implement changes, policies, and/or programs that are in conflict with the collective bargaining agreement between the District and the Association, a representative from the school site and the principal or designee will inform the Assistant Superintendent, Human Resources and the Association of the proposal in writing. The proposal seeking a contract waiver should be submitted to the District and the Association by March 1 for implementation for the following school year.

17.620 If the District and Association have no objections to the proposal, then the District and the Association will prepare a secret ballot for all bargaining unit members at the affected site to express their opinion on the proposal. If there are objections, then a conference will be held to attempt to resolve the outstanding issues.

17.625 The secret ballot will contain the following information:

- a. Applicable Agreement section(s)
- b. Rationale for the proposal
- c. A specific time period for the proposal

17.630 The District and the Association shall be jointly responsible for formulating the questions. The Association should conduct the balloting by May 15, with provisions made that “off track” bargaining unit members have the opportunity to participate in voting, and for conducting the ballots. The proposal must be approved by 2/3 of the bargaining unit members who actually vote.

17.640 When a school site and the principal desire to renew the waiver, the District and the Association should be notified by March 1. A secret ballot vote will be conducted to approve the renewal in accordance with sections 17.620 – 17.630.

17.650 Bargaining unit members who disagree with the waiver can apply for a transfer per Article 4 collective bargaining agreement.