January 28, 1994

Mr. John Louis Reid, Chief Negotiator  
Building and Construction Trades Council of Alameda County  
8400 Enterprise Way  
Oakland, CA 94621

Dear Mr. Reid:

During negotiations the Council acknowledged the University’s right under Article 32 of the Agreement to subcontract both construction and maintenance work. The contents of this letter do not in any reduce or diminish those rights.

During the term of this Agreement the University will use various methods to procure the services of temporary maintenance workers based on situational requirements and constraints. One such method the University will use is to procure temporary maintenance workers directly from the union hiring hall.

In those instances in which the University uses the hiring hall, it will notify the appropriate union of its needs. Within two working days of the University’s request, the union will refer a diverse pool of qualified applicants for the position or positions. The University is free to hire or reject the applicants referred through this process. If the University does not fulfill its staffing needs after the two-working day union-referral period, other recruitment sources will be utilized.

The use or non-use of the hiring hall shall not be subject to the grievance or arbitration procedure set forth in the collective bargaining agreement unless the exercise thereof violates an express written provision of the agreement.

For your information, an employee appointment to work full time for three months or more is eligible to enroll in one of the University’s health plans.

If you agree that the foregoing correctly reflects your understanding, please sign in the space provided below.

Sincerely,

Kent F. Ryden                      Dennis P. Marino
Lawrence Berkeley Laboratory       Berkeley Campus

Concur:

John Louis Reid